THE MYSORE VILLAGE PANCHAYETS AND DISTRICT BOARDS ACT, 1952.

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(Chapter I—Preliminary)

MYSORE ACT No. IV OF 1952.

THE MYSORE VILLAGE PANCHAYETS AND DISTRICT BOARDS ACT, 1952.

(AS AMENDED BY ACTS XXVIII OF 1952 AND I OF 1954.)

(Received the assent of His Highness the Maharaja on the Thirteenth day of January 1952).

An Act to amend and consolidate the law relating to local bodies in rural areas in the [1][State of Mysore except Bellary District.]

WHEREAS it is expedient further to amend and consolidate the law relating to local bodies in rural areas in the [1][State of Mysore except Bellary District]; Preamble.

It is hereby enacted as follows:—

PART I—GENERAL.

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Village Panchayets and District Boards Act, 1952. Short title, extent and commencement.

(2) It extends to the [1][whole of the State of Mysore except Bellary District:]

Provided that the Government may, by notification in the *Mysore Gazette*, exclude from the operation of this Act, any village forming part of a local area under the administration of a town board or a sanitary board.

(3) This section shall come into force at once. The other sections of this Act shall come into force in any district or part of a district on such date as the Government may, by notification in the *Mysore Gazette*, appoint in this behalf.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(1) "building" includes a house, shop, warehouse, workshop, hut or shed;

1. See the Mysore Adaptation of Laws Order, 1953.

(2) "Commissioner" means the Commissioner for Local Self-Government appointed by the Government;

(3) "dangerous disease" means cholera, plague, small-pox and any endemic or epidemic or infectious disease by which the life of man is endangered;

(4) "Deputy Commissioner" includes the officer in charge of the revenue administration of a part of a district declared to be a district under clause (5) for the purposes of this Act;

(5) "district" means any local area which, for the purposes of the collection of land revenue, shall have been placed for the time being, under the charge of a Deputy Commissioner of a district;

(6) "District Board" means any Board constituted under this Act;

(7) "Government" means the State Government;

(8) "land revenue" means all sums and payments received or claimable by or on behalf of Government, from any person on account of land held by, or vested in, him;

(9) "market" means a place where goods or animals are publicly exposed or brought for sale periodically;

(10) "Panchayet" means a panchayet constituted under this Act;

(11) "prescribed" means prescribed by rules made under this Act;

(12) "public ferry" means a ferry used for the conveyance for hire of any passenger, animal, cart, carriage or other vehicle or goods;

(13) "public market" means a market which a District Board opens under section 97 or a market the control over which is or may be vested in a Panchayet by the Government;

(14) "taluk" includes a sub-taluk;

(15) "village" means a local area recognised by the Government as a village for purposes of collecting the land revenue and includes a *dakhle* village and an alienated village, but does not include a local area which is constituted as a municipality or a village which is, under the proviso to sub-section (2) of section 1, excluded from the operation of this Act;

(16) "village forest" means a forest constituted as such under the Mysore Forest Act, 1900.

PART II—VILLAGE PANCHAYET.

CHAPTER II.

CONSTITUTION OF PANCHAYET.

Establishment of Panchayets.

3. (1) The Government shall, subject to the provisions of this section and to such rules as may be made by them in this behalf, establish a Panchayet for every village or group of adjoining villages and shall have power by a notification in the *Mysore Gazette* to vary, as occasion may demand, the grouping of villages:

Provided that the Government shall, before a Panchayet is established for a group of villages, or a re-grouping of villages is effected, publish, in such manner as may be prescribed, a notice of their proposal to do so and consider any objections that may be preferred within one month of such publication.

(2) In establishing a Panchayet for a village or group of adjoining villages, the Government shall, as far as may be, establish one Panchayet for a population of not less than 2,000 nor more than 5,000:

Provided that the Government may, in exceptional cases, establish a Panchayet for a village or a group of villages [1][with a population of less than 2,000 or more than 5,000.]

Incorporation of Panchayets.

4. Every Panchayet shall be a body corporate by such name, being the name of the village or one of the villages in a case where a Panchayet has been established for a group of villages, as the Government may determine and

1. Substituted by Act XXVIII of 1962.

shall have perpetual succession and a common seal, and shall sue or be sued by the said name. Subject to any rules made by the Government in this behalf, it shall also have power to acquire, hold or transfer property, moveable or immoveable, whether within or without the limits of the area over which it has authority, enter into contracts and do all things necessary for all or any of the purposes of this Act.

Strength of Panchayets and election of members.

5. (1) A Panchayet shall consist of such number of members being not less than 10 nor more than 20 as may be determined by the Government, subject to rules framed by the Government in this behalf:

Provided that where a Panchayet is established for a group of villages, there shall ordinarily be at least one member for [1][each inhabited village] in the Panchayet.

(2) The members shall be elected, and bye-elections shall also be held, in such manner as may be prescribed.

Reservation of seats.

6. Seats shall be reserved in a Panchayet for the Scheduled Castes, the number of such seats bearing, as nearly as may be, the same proportion to the total number of seats in the Panchayet, as the population of the Scheduled Castes in the village or group of villages served by a Panchayet bears to the total population of the village or villages :

Provided that at least one seat shall be reserved in a Panchayet for the Scheduled Castes :

Provided further that this section shall cease to have effect after ten years from the commencement of this Act :

Provided further that the second proviso to this section shall not affect any representation in a Panchayet until the expiry of the term of office of its members.

Conditions under which a village under one Panchayet may be included under another Panchayet.

7. (1) If two-thirds of the number of voters in a village included within a group of villages under the jurisdiction of a Village Panchayet, elect to have their village brought under the jurisdiction of any other Village Panchayet, such village may, with the consent of the latter Village Panchayet, be brought under its jurisdiction, and after a period of not less than five years, may similarly be

1. Substituted by Act XXVIII of 1952.

brought within the jurisdiction of another Village Panchayet.

(2) If two-thirds of the number of voters in any village included in a group of villages under the jurisdiction of a Village Panchayet elect to have a Village Panchayet constituted for their village, such village may be constituted as a Village Panchayet under this Act.

Qualifications of voters.

8. Every person who is a resident of a village and has completed twenty-one years of age, on such date with reference to each election as may be prescribed by the Government shall, unless disqualified, be entitled to vote at an election of members of the Panchayet of that village.

Disqualification of voters.

9. No person may vote—

(*a*) who is of unsound mind ; or

(*b*) who is sentenced by a criminal court to imprisonment for an offence punishable with imprisonment for a term exceeding six months :

Provided that (1) the offence is not of a political character or is one which involves moral turpitude, (2) such sentence has not been subsequently reversed or quashed ; or

(*c*) who is adjudicated an insolvent ; or

(*d*) who has been ordered to find security for good behaviour under section 118 of the Code of Criminal Procedure ; or

(*e*) who has been removed from office under section 11 :

Provided that the disqualification—

(1) under clause (*b*) will, in the case of a person sentenced to imprisonment for a term not exceeding three months, cease to operate after one year after the expiry of the sentence, and in all other cases, after three years after the expiry of the sentence ;

(2) under clause (*d*), will cease to operate after expiry of the period during which the person is ordered to furnish security ;

(3) under clause (*e*), will cease to operate after the expiry of three years from the date of such removal.

Qualifications of candidates.

10. Every person who is entitled to vote at an election and is not less than twenty-five years of age on the date appointed for the presentation of nominations shall be qualified to be elected as a member.

Removal of members of Panchayet.

11. The Commissioner may, on a resolution of a Panchayet for the removal of a member, passed by a majority of not less than two-thirds of the total number of members, remove such member after giving him an opportunity of being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting. The order of the Commissioner shall be final.

Removal of Chairman.

12. The Commissioner may remove a Chairman from his office for misconduct, or neglect of, or incapacity to perform his duty or for any disgraceful conduct, after giving him an opportunity of being heard and after such enquiry as the Commissioner deems necessary. An appeal shall lie to the Government from the order of the Commissioner.

Vacation of seats.

13. (1) If any person who is not qualified for election is elected to a Panchayet, his seat shall be declared to have become vacant by the Deputy Commissioner and if any member of a Panchayet becomes disqualified during the term for which he has been elected, he shall cease to be a member and in either case, the vacancy shall be filled up in the manner prescribed.

(2) If any question, dispute or doubt arises regarding any vacancy under this section, the orders of the Deputy Commissioner shall be final for the purpose of deciding such question, dispute or doubt.

Term of office of members of a Panchayet.

14. Except as otherwise provided in this Act, members of a Panchayet shall hold office for a term of four years :

Provided that the Government may, for reasons to be stated in writing, extend the said period to a term not exceeding in the aggregate five years.

Election of Chairman.

15. (1) For every Panchayet there shall be a Chairman who shall be elected by the members of the Panchayet from among themselves.

(2) Whenever the office of Chairman becomes vacant, the Panchayet shall choose another member to be Chairman.

Vacancy in the office of Chairman or Member.

16. (1) A member of a Panchayet may resign his seat in writing under his hand addressed to the Chairman and his seat shall become vacant on the expiry of fifteen clear days, from the date of such resignation unless within such period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Chairman.

(2) A member holding office as Chairman may resign his office at any time by writing under his hand addressed to the Deputy Commissioner and his office shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Deputy Commissioner.

(3) Every Chairman shall vacate his office if he ceases to be a member of the Panchayet.

Jurisdiction of Panchayet.

17. The jurisdiction of a Panchayet shall extend over the area comprised within the revenue boundaries of the village or villages for which the Panchayet has been established.

CHAPTER III.

CONDUCT OF BUSINESS.

Appointment of Secretary.

18. Subject to such rules as may be made by the Government in this behalf, the Commissioner shall appoint a Secretary to be in charge of one or more Panchayets specified by the Commissioner.

Procedure for meetings of Panchayets.

19. (1) Subject to the provisions of this section and to such rules as may be made by the Government in this behalf, a Panchayet shall, in the transaction of its business, follow such procedure as may be set out in bye-laws made under this Act.

(2) The Chairman shall hold a meeting of a Panchayet once at least every month. He may, whenever he thinks

fit, and shall, upon the written request of not less than one-half of the members, call a special meeting.

(3) The quorum for a meeting of a Panchayet shall be not less than one-half of the whole number of members of the Panchayet. If, at the time appointed for the meeting or within half an hour thereafter, a quorum is not present, the presiding authority shall adjourn the meeting to such hour on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if his attention is drawn to the want of a quorum. At such adjourned meeting, the business which would have been brought before the original meeting shall be transacted whether there is a quorum present or not, provided that not less than five members are present.

(4) Except as otherwise provided, all questions before a Panchayet shall be decided by a majority of the votes of the members present and voting. The Chairman, unless he refrains from voting, shall give his vote before declaring the number of votes for and against a question, and in case of an equality of votes, he shall give his casting vote.

(5) At every meeting of a Panchayet, the Chairman shall preside and in his absence, the members of the Panchayet present shall choose one of their number to preside thereat.

(6) No act of a Panchayet shall be deemed invalid by reason only that the number of members of the Panchayet at the time of the performance of such act was less than the sanctioned strength or by reason of any irregularity in the election of any member or Chairman of such Panchayet.

Officers and servants of Panchayets.

20. (1) Subject to such rules as may be made by the Government in this behalf, every Panchayet may employ such officers and servants and assign to them such pay, allowances, gratuities, pensions and contributions as may be necessary.

(2) The officers and servants appointed by the Panchayet shall be subject to the disciplinary control of the Secretary.

(Chapter III—Conduct of Business)

Powers of Chairman of Panchayet.

21. Subject to such rules as may be made by the Government in this behalf, every Chairman of a Panchayet shall have the power to—

(1) pass bills and sanction estimates up to a money limit of fifty rupees, provided that provision for such expenditure is made in the sanctioned budget ;

(2) incur contingent expenditure up to five rupees at any one time ;

(3) operate on the Village Panchayet account including authorisation of payment, issue of cheques and refunds ;

(4) supervise the general administration of the Panchayet and to inspect works undertaken by it ;

(5) exercise such other powers as may be conferred by the other provisions of this Act.

Powers of Secretary of Panchayet.

22. Subject to such rules as may be made by the Government in this behalf, the Secretary of every Panchayet shall undertake the following duties and exercise the following powers :—

(1) preparation and maintenance of assessment lists ;

(2) maintenance of essential statistics ;

(3) maintenance of accounts and records ;

(4) recovery of Panchayet dues ;

(5) execution and supervision of works undertaken by the Panchayet ;

(6) checking estimates and bills in respect of works ;

(7) supervision of sanitation and public health measures ;

(8) convening meetings as required by this Act ;

(9) maintenance of proceedings of the Panchayet and forwarding copies of such proceedings to prescribed authorities within prescribed periods ;

(10) subject to general control by the Chairman, power to appoint officers and servants of the Panchayet and to fine, reduce, suspend or dismiss any of them;

(11) power to issue bills and notices to defaulters ;

(12) power to issue distraint warrants and to distrain and seize moveables, provided that such warrants are issued under the signature of the Chairman ;

(13) power to file complaints and suits on behalf of the Panchayet and to conduct proceedings on its behalf ;

(14) subject to bye-laws made by the Panchayet, to take part in meetings of the Panchayet and to speak thereat but not to vote or move any motion ;

(15) generally to undertake such duties and exercise such powers as may be conferred or delegated under the provisions of this Act.

CHAPTER IV.

FUNCTIONS OF PANCHAYET.

Obligatory functions of Panchayet.

23. It shall be the duty of every Panchayet within the limits of the fund at its disposal, to make adequate provision for carrying out the requirements of the area under its jurisdiction in regard to the following matters :—

(1) construction, repair and maintenance of village roads including cart tracks, culverts and bridges but not including those under the control of any other local body or of the Government ;

Explanation.—" Village road " in this clause means all roads in the village *thana* and *vonies*, cart tracks and other passages leading to public wells, tanks and agricultural lands.

(2) construction of drains and disposal of drainage water and sullage ;

(3) cleansing of streets, drains, tanks and wells (other than tanks and wells used exclusively for irrigation) and other public places or works in the area under its jurisdiction ;

(4) construction, repair and maintenance of public wells, tanks and ponds for supply of water for drinking, washing and bathing purposes ;

(5) regulation of buildings, shows, shops, eating and other entertainment houses ;

(6) removal of encroachments on public streets, public places and property vested in the Panchayet ;

(7) opening and maintenance of burial grounds ;

(8) establishment, management and maintenance of cattle pounds ;

(9) sanitation and conservancy and prevention and abatement of nuisance, taking preventive and curative measures in cases of epidemic ;

(10) preservation and improvement of public health ;

(11) maintenance and regulation of the use of public buildings and properties vested in or belonging to the Panchayet ;

(12) allotment of places for storing manure and the enforcement of provisions for storing under composting methods ;

(13) carrying out or assisting in any work entrusted by the District Board or the Government ;

(14) planting and preservation of trees on roads and in other public places ;

(15) regulation of public jatras, fairs, festivals and shandies except those managed by the District Board or by the Government ;

(16) maintenance of essential statistics of the village in the form prescribed by the Government ;

(17) welfare of Scheduled Castes and Scheduled Tribes ;

(18) regulating sale and preservation of meat in meat-stalls by vendors ;

(19) licensing of hotels ;

(20) regulating, curing, tanning and dyeing of skins and hides ;

(21) extension of village sites ;

(22) excavation and maintenance of ponds for the supply of water to animals ;

(23) filling in of insanitary depressions and levelling of land by reclaiming unhealthy areas ;

(24) regulating the collection, removal and disposal of manure and sweepings.

Discretionary functions of Panchayet.

24. Subject to such rules as may be made by the Government in this behalf and subject to the previous approval of the Commissioner, a Panchayet may, within the limits of the fund at its disposal, make provision for carrying out the requirements of the area under its jurisdiction in regard to all or any of the following matters :—

(1) providing relief for travellers ;

(2) relief of the poor and the sick ;

(3) control of cattle stands, grazing grounds and other communal waste land ;

(4) development of education, library and reading rooms, agricultural co-operation, rural industries and trade;

(5) lighting of the village ;

(6) other measures of public utility calculated to promote the safety, health, comfort or convenience of the residents of the area ;

(7) the improved breeding and medical treatment of cattle and prevention of cattle disease ;

(8) construction and maintenance of slaughter houses ;

(9) establishment and maintenance of maternity and child welfare centres ;

(10) medical aid including establishment and maintenance of small dispensaries either singly or in collaboration with other panchayets ;

(11) control and management of village forests ;

(12) management of minor muzrai institutions ;

(13) exercising all the powers and discharging all the functions of a Panchayet under the Tank Panchayet Act ;

(14) rural security including organisation of village guards and other associations for the maintenance of village morale and safety ;

(15) organising, supervising and controlling rural development or multi-purpose co-operative societies ;

(16) establish and maintain warehouses.

Institutions or works may be transferred to Panchayet.

25. Subject to such rules as may be prescribed by the Government, any District Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet and subject to such conditions as may be agreed upon, make over to it the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which it has got control.

Power of Government to add to functions of Panchayets.

26. The Government may, subject to such conditions as may be imposed, authorise any Panchayet by a general or special order, to exercise any functions or perform any duties other than those specified in sections 23 to 25.

General powers of Panchayet.

27. A Panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified in sections 28, 29, 30, 31 and 32 ; and the Panchayet may appoint Committees to perform any of these functions.

Power of Panchayets as to roads, bridges and water-ways.

28. The Panchayet shall have control of all village roads and bridges thereon, cart-tracks, drains, tanks, wells and other public places in the village, not being private property and not being under the control or management of a District Board, Municipal Council or a Government Officer, and may do all things necessary for the maintenance and repair thereof and may—

(*a*) lay out and make new roads ;

(*b*) construct new bridges ;

(*c*) widen, open, enlarge, or otherwise improve any road or bridge ;

(*d*) divert, discontinue or close any road or bridge ;

(*e*) deepen or otherwise improve water-ways ; and

(*f*) provide for the lighting of any road or public place within the village.

Control of the erection of buildings.

29. (1) Subject to such rules as may be prescribed, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet. Such permission shall be presumed to have been granted if no refusal of such permission is communicated within two months of the receipt of the application.

(2) Whenever any building is erected, altered, added to or reconstructed without such permission or in any manner contrary to the rules prescribed under sub-section (1) or any conditions imposed by the permission, the Panchayet may—

(*a*) direct that the building, alteration, or addition be stopped ;

(*b*) by written notice, require such building, alteration or addition to be altered or demolished as it may deem necessary ; or

(*c*) withdraw the permission.

(3) An appeal shall lie to the Deputy Commissioner from any order or direction or notice of the Panchayet under sub-section (2) and the decision of the Deputy Commissioner on such appeal shall be final.

Power of Government to prohibit the erection of buildings in certain areas without permission.

30. (1) Notwithstanding anything contained in section 29, the Government may, in the public interest and after consulting the Panchayet concerned, prohibit by notification published in the *Mysore Gazette*, the erection of any building within a specified area in a Panchayet, except with permission granted by the Government in this behalf.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall, on conviction, be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or in violation of the conditions imposed under sub-section (2).

Prohibition of offensive or dangerous trades without license.

31. (1) No place within the jurisdiction of a Panchayet shall be used for the purpose of any trade or business which the Government may, by notification, declare to be offensive or dangerous, except under a license from the Panchayet and subject to such conditions as may be imposed in the license.

(2) When a licensee fails to comply with any condition mposed in the license, the Panchayet may suspend or cancel his license.

Control of dairies, hotels, etc.

32. (1) No place within the jurisdiction of a Panchayet shall be used as a dairy, hotel, restaurant, eating house, coffee house, sweetmeat shop, bakery, boarding house or lodging house (other than a students' hostel under public or recognised control or a dharmasala or for manufacturing ice or ærated water), without a license from the Panchayet and except in accordance with the conditions specified therein.

(2) A license under this section shall be granted or renewed only on payment in advance of such fee as may be prescribed.

(3) The Panchayet may, for reasons to be recorded in writing, refuse to grant or renew a license or suspend or cancel a license granted or renewed under sub-section (1) for default of any of the conditions subject to which the license was granted.

(4) The Panchayet may, having regard to the local conditions, fix the number and category of dairies, hotels, restaurants, eating houses, coffee houses, sweetmeat shops, bakeries, boarding or lodging houses, and places for manufacturing ice or ærated water, and direct by order the closure of such places as may be specified by it used for the purposes aforesaid, in excess of those fixed by it:

Provided that no place shall be directed to be closed except after notice of not less than thirty days.

(5) Any person aggrieved by the refusal to grant or renew a license or by the suspension or cancellation of a license under sub-section (3) or by an order directing the

closure of a place under sub-section (4) may, within thirty days of the date of communication of the order, appeal to the Deputy Commissioner; and the decision of the Deputy Commissioner on such appeal shall be final.

Power as to sanitation, conservancy and drainage.

33. (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction, a Panchayet may, by a written notice, require, within a reasonable period to be specified therein—

(i) the owner or occupier of any hut or the owner of any privy to remove such hut or privy either wholly or in part;

(ii) the owner or occupier of any building to construct private drains therefor or to alter or to remove private drains thereof;

(iii) the owner or occupier of any land or building which needs to be cleansed, to cause the same to be cleansed to the satisfaction of the Panchayet;

(iv) the owner or occupier of any land or building which contains a well, pool, ditch, pit, pond, tank or any place containing or used for the collection of any drainage, filth or stagnant water which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained off or to take such other action therewith, as may be deemed necessary by the Panchayet;

(v) the owner or occupier of any land overgrown with vegetation, under-growth, prickly-pear, or jungle which is in any manner injurious to health or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation, under-growth, prickly-pear or jungle.

(2) If any work required by a notice under sub-section (1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) as if it were a tax imposed under section 39.

(Chapter IV—Functions of Panchayet)

Power for providing adequate water supply.

34. (1) For providing the area under its control or any part thereof with a supply of water, pure and sufficient for public and private purposes, the Panchayet may—

(*a*) construct, repair and maintain tanks or wells and clear out streams or water courses ;

(*b*) purchase or acquire by lease or gift any tank, well, stream or water-course, or any right to take or convey water within or without the area under its control ;

(*c*) with the consent of the owner thereof, utilize, cleanse or repair any tank, well, stream or water-course or provide facilities for obtaining water therefrom ;

(*d*) contract with any person for a supply of water ; or

(*e*) do any other acts necessary for carrying out the purposes of this section.

(2) The Panchayet may, by order published at such places as it may think fit, set apart for the supply of water to the public for drinking or culinary purposes, any tank, well, stream, or water-course in respect of which action has been taken under clause (*a*) or (*b*) or (*c*) of sub-section (1), subject to any rights which the owner referred to in clause (*c*) of the sub-section (1) may retain with the consent of the Panchayet.

(3) The Panchayet may, by order published at such places as it may think fit, prohibit—

(*a*) bathing, washing of clothes and animals, or other acts calculated to pollute the water of any tank, well, stream or water-course set apart for drinking or culinary purposes under sub-section (2) ; and

(*b*) during epidemics, the use of any source of water supply for drinking or culinary purposes or for the washing of clothes.

Power of Government to make rules regarding provision of water supply.

35. Subject to such rules as the Government may make in this behalf, a Panchayet may make bye-laws for conserving and preventing injury to sources and means of water-supply, and appliances for the distribution of water, whether within or without the limits of the Panchayet ; and for regulating all matters connected with the supply and use of water and the turning on, or

turning off, and preventing the waste of water and the construction, maintenance and control of Panchayet water works and pipes and fittings in connection therewith, whether the property of the Panchayet or not.

Power of entry.

36. Any member, officer or servant of a Panchayet may enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection or execute any work for any of the purposes of this Act:

Provided that—

(*a*) no such entry shall be made between sunset and sunrise ;

(*b*) unless the entry be with the consent of its occupier, no dwelling house shall be so entered without giving reasonable previous notice signed by the Chairman or by a person duly authorised by him in this behalf of the intention to make such entry ; and

(*c*) due regard shall be had in making such entry to the social and religious usages of the occupants of the premises entered.

CHAPTER V.

PANCHAYET FUND AND RECOVERY OF DUES.

Panchayet Fund.

37. (1) All sums realised as taxes, fees, cesses, fines or costs under this Act, all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871, all sums of revenue assigned to the Panchayet under this Act or by any general or special order of Government and all other receipts of the Panchayet including any donations from a private person or body of persons, and any contribution or grant from a District Board or the Government and loans raised by the Panchayet shall be paid into a fund to be called the "Panchayet Fund."

(2) The Panchayet Fund shall be administered by the Panchayet and the expenses incurred by the Panchayet in

carrying out the purposes of this Act shall be paid out of the Panchayet Fund:

Provided that all sums made over to or realised by a Panchayet for any specific purpose shall be applied solely for that purpose.

(3) The Panchayet Fund shall be lodged in the Government Savings Bank or in a Co-operative Society or Bank approved by the Deputy Commissioner, or in such manner as may be prescribed. A Panchayet may, from time to time, with the approval of the Deputy Commissioner, invest any portion of its surplus funds in Government securities or other securities approved by the Government.

Government to assign part of land revenue to Panchayets.

[1][**38.** The Government shall assign to all the Panchayets in the State an amount equal to twelve and a half per cent of the net land revenue collected in the State, the amount to be allotted to each Panchayet being such as the Government may from time to time determine.

Explanation.—For determining the net land revenue collected for purposes of assignment to the Panchayets, the cost of collection calculated in the prescribed manner and charges on irrigation, collected as water rate or other charge, shall be excluded from the gross amount collected.]

Taxes on houses, shops, etc.

39. (1) The Panchayet shall determine the rates of tax on all houses, shops or places of trade or business, vacant sites, *hittals* and carts kept in the village or villages within its jurisdiction, not exceeding the maxima specified in Schedule I.

(2) When the rates of tax leviable are determined by the Panchayet under sub-section (1), the Secretary of the Panchayet shall prepare an assessment list in accordance with rules and bye-laws made in this behalf and the list so prepared shall be subject to the approval of the Panchayet.

The assessment shall be recovered by the Secretary in such manner as the Panchayet may determine by bye-laws made in this behalf.

(3) It shall be competent to the Panchayet to make provision for exemptions in favour of individuals or a class of individuals, subject to such rules as may be prescribed in this behalf.

1. Substituted by Act XXVIII of 1952.

Village improvement tax.

40. (1) A Panchayet may levy a village improvement tax, commutable into a contribution of labour, subject to the rules prescribed in this behalf.

(2) Such tax shall be levied at rates not less than Rs. 6 or more than Rs. 10 per family per annum.

Profession tax.

41. A Panchayet may, subject to such bye-laws as may be made by it in this behalf, and with the sanction of the Commissioner, levy profession tax on all or any of the professions set out in Schedule II and at rates not exceeding the maxima prescribed in the said Schedule.

Tax on fairs, etc.

42. (1) A Panchayet may, subject to bye-laws made by it in this behalf, levy a tax on shandies, fairs and festivals at rates not more than the rates specified in Schedule III :

Provided that the levy of such tax is agreed to by not less than two-thirds of the total number of members of a Panchayet.

(2) Any tax specified in sub-section (1) may be cancelled with the previous sanction of the Government.

(3) The Secretary shall assess and take action to recover any such tax as is levied under sub-section (1).

Increase of income.

43. (1) If, at any time, in the opinion of the Deputy Commissioner, the regular income of the Panchayet falls below what is necessary for the proper discharge of the duties specified in section 23, the Deputy Commissioner may call upon the Panchayet to take steps within six months to increase its income to such an amount as may be considered necessary. If the Panchayet fails to take adequate steps to increase its income to the required amount, the Deputy Commissioner may require it to increase the rate of taxes imposed under section 39.

(2) An appeal shall lie to the Commissioner from an order of the Deputy Commissioner under this section.

Objections in respect of liability to assessment.

44. Objections to any assessment and the liability of any person to be assessed under this Act shall be preferred and decided in accordance with rules made under this Act.

(*Chapter V—Panchayet Fund and Recovery of dues*)

Collection of taxes, fees, etc.

45. (1) The amount of taxes, fees or other dues shall be paid in such manner as may be prescribed, and in case of default of such payment, shall be recoverable by the Amildar as an arrear of land revenue.

(2) Nothing herein contained shall preclude the institution by the Secretary of a suit for any amount due under this Act.

(3) No proceedings shall be taken under sub-section (1) more than six years after the amount became due.

Power of Panchayet to raise loans.

46. Subject to such rules as may be prescribed and with the previous sanction of the Government, a Panchayet may raise loans for carrying out works of permanent utility within the area under its control. The amounts so borrowed shall be a first charge upon its revenues.

Annual budget of Panchayets.

47. (1) Subject to such rules as may be prescribed in this behalf by the Government, every Panchayet shall prepare a budget of estimated receipts and expenditure for the next official year and forward it to the Commissioner or to such other officer as may be specified in the rules.

(2) Every such budget shall be scrutinised and passed by the Commissioner or such other officer to whom it has been forwarded :

Provided that the budget shall be presumed to have been passed if it is not returned by the Commissioner or such other officer within two months of the receipt thereof by the Commissioner.

(3) No expenditure which is not provided for in the budget as passed by the Commissioner or such other officer shall be incurred without the previous sanction of the Commissioner.

(4) The scrutiny of such budget shall be limited to ascertain if—

(i) the obligatory duties specified in this Act have been provided for ;

(ii) the financial commitments of the previous years have been provided for ;

(iii) contributions due to Government and to other local bodies have been provided for ;

(iv) expenditure proposed is well within the normal revenue ; and

(v) adequate closing balance has been provided for as prescribed.

Annual accounts and audit.

48. Accounts of all the receipts and expenditure of every Panchayet shall be maintained for every official year in such form as the Government may prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf.

PART III—DISTRICT BOARD.

CHAPTER VI.

CONSTITUTION OF DISTRICT BOARD.

Establishment and incorporation of District Boards.

49. (1) As soon as may be after the commencement of this Act, and with effect from such date as it may appoint, the Government shall establish by notification in the *Mysore Gazette*, for each district, a District Board having authority over the entire district, provided that such portions of the district as are included in a municipality or are under the authority of a Sanitary Board or a Town Board constituted under any law for the time being in force shall be excluded from the jurisdiction of the District Board.

(2) Every District Board shall be a body corporate by the name of the District Board of the District for which it shall have been established, and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

Composition of District Boards.

50. (1) Every District Board shall be composed of members elected in accordance with the provisions of this Chapter.

(2) The total number of seats in a District Board specified in the first column of the fourth schedule shall be the number specified in the second column thereof opposite to that district.

Composition of electorate.

51. The members shall be elected by electorates consisting of members of every Panchayet constituted within each Taluk in the District.

Reservation of seats for Scheduled Castes.

52. (1) Seats shall be reserved in a District Board for the Scheduled Castes.

(2) The number of such seats shall bear, as nearly as may be, the same proportion to the total number of seats in the District Board as the population of the Scheduled Castes in the district bears to the total population of the district :

Provided that at least one seat shall be reserved in a District Board for the Scheduled Castes :

Provided further that this section shall cease to have effect after ten years from the commencement of this Act :

Provided further that the second proviso to this section shall not affect any representation in a District Board until the expiry of the term of office of its members.

List of voters.

53. (1) The District Board shall keep a list for each constituency of persons qualified to vote at elections of members to the District Board.

(2) Such list shall be prepared and revised in such manner as may be prescribed.

Disqualification of members.

54. (1) (A) No person may be a member of a District Board—

(*a*) who has been sentenced by a criminal court to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, provided that (1) the offence is not of a political character or is one which involves moral turpitude, (2) such sentence has not been subsequently reversed, or quashed, or

(*b*) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(*c*) who has been dismissed from Municipal, District Board or Government service, such dismissal having been notified as debarring him from re-employment, or

(*d*) if, having been a legal practitioner, he has been dismissed or is under suspension by order of a competent court, the disqualification in the latter case being operative during the period of such suspension, or

(*e*) who is an undischarged insolvent, or

(*f*) who is less than twenty-five years of age, or

(*g*) who is of unsound mind, or

(*h*) who has been removed from membership under section 61, or

(*i*) who is a judge, and

(B) No person,—

(*a*) who is a salaried servant of a District Board, a Village Panchayet or any other local body or a Government,

(*b*) who, save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any work done by order of a District Board, or in any contract or employment with, or under or by, or on behalf of a District Board, or

(*c*) who is employed as paid legal practitioner on behalf of a District Board or accepts employment as legal practitioner against a District Board,

may be a member of such District Board :

Provided that—

(*a*) the disqualification in sub-clause (*b*) of clause (A) will cease to operate after the expiry of the period during which a person is ordered to furnish security ;

(*b*) the disqualification in sub-clause (*a*), (*c*) and (*d*) of clause (A) will cease to operate after the expiry of three years from the date of such sentence, dismissal, or removal or earlier by an order of the State Government;

(*c*) a person shall not be deemed to have incurred disqualification under clause (B) (*b*) by reason of his—

(i) having a share in any joint-stock company or a share or interest in any literary association registered under the Societies Registration Act, 1904, or in any society registered under the Mysore Co-operative Societies Act, 1948, which shall contract with or be employed by or on behalf of the District Board, or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the District Board may be inserted, or

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the District Board.

(2) If any member of a District Board during the term for which he has been elected—

(*a*) becomes subject to any disqualification specified in sub-section (1), or

(*b*) votes or takes part as a member in the discussion of any matter in which he has directly or indirectly by himself or his partner any such share or interest as is described in sub-clauses (i) and (ii) of clause (*c*) of the proviso to sub-section (1), or

(*c*) absents himself for more than three consecutive ordinary meetings of the Board unless leave so to absent himself, which shall not exceed six months had been granted by the Board, or absents himself for over six consecutive months from meetings of the Board,

he shall be disabled from continuing to be a member and his office shall become vacant.

(3) If any question arises whether any person is disqualified under this section or disabled from continuing as a member, the question shall be referred for the

decision of the Government and its decision shall be final.

Qualification of members.

55. Every person who is not less than twenty-five years of age and who is a resident of a taluk inclusive of all municipal limits therein shall be qualified to be elected as a member of the District Board from any taluk of that district.

Procedure for elections.

56. Subject to the provisions of this Act, elections and bye-elections to District Boards shall be held in accordance with such rules as may be made by the Government in this behalf.

Determination of the validity of elections; enquiry by judge; procedure.

57. (1) At any time within fifteen days after the declaration of the result of an election any candidate who stood for election or any ten persons qualified to vote at that election, may apply, together with a deposit of one hundred rupees as security for costs, to the Judge not below the rank of a Subordinate Judge, appointed by the Government in this behalf, for the determination of the validity of the election or the legality of the order or proceeding in question.

(2) An enquiry shall thereupon be held by the Judge who may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or the order of the Deputy Commissioner or other officer empowered in this behalf under section 56, or setting the election aside. For the purposes of the said enquiry, the said Judge may exercise any of the powers of a civil court. He may also award costs in such manner as he may deem fit and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure and his decision shall be conclusive. If he sets aside an election, he shall forthwith communicate the fact to the Deputy Commissioner who shall take the necessary steps for holding a fresh election.

(3) (*a*) If, on holding such enquiry, the Judge finds that a candidate has, for the purpose of the election, committed a corrupt practice within the meaning of sub-section (4), he shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (2), and shall

set aside the election of such candidate if he has been elected.

(*b*) If in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected :

Provided that, for the purposes of such computation, no vote shall be reckoned as valid if the Judge finds that it was given by an unqualified person or any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

(4) A person shall be deemed to have committed a corrupt practice—

(*a*) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or

(*b*) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation.—The expression "a promise of individual profit" includes a promise for the benefit of the person himself or any person in whom he is interested, but does not include a promise to vote for or against any particular measure which may come before the District Board for consideration.

(5) If the validity of the election is brought in question only on the ground of an error made by the officer charged with carrying out the rules made in this behalf or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

Explanation.—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or the rules made thereunder whereby the result of election has been materially affected.

(6) If the Judge sets aside an election under clause (*a*) of sub-clause (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section to be disqualified from being a member of any District Board for a term of years not exceeding five and the decision of the Judge shall be conclusive :

Provided that such person, may, at any time be relieved from such disqualification by an order of the State Government in that behalf :

Provided further that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration shall not be made.

Publication of names of members in the *Mysore Gazette.*

58. The names of all members finally elected to any District Board, shall be reported to the Government who shall notify it in the *Mysore Gazette.*

Term of office of members.

59. Except as is otherwise provided in this Act, members of a District Board shall hold office for a period of four years :

Provided that the Government may, for reasons to be stated in writing, extend the said period to a term not exceeding in the aggregate five years.

Resignation of member.

60. A member of a District Board may resign his membership in writing, under his hand addressed to the President of the District Board and his seat shall become vacant on the expiry of fifteen clear days from the date o such resignation, unless, within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the President.

Removal of members for misconduct, etc.

61. The Government may, if it thinks fit, on a resolution of a District Board for the removal of a member of such Board, passed by a majority of not less than two-thirds of the total number of members of the Board,

remove such member, after giving him an opportunity of being heard and after such enquiry as the Government deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a member of the Board.

Election of President and Vice-President.

62. (1) Every District Board shall, as soon as may be, choose two members of the District Board to be respectively President and Vice-President thereof, and so often as the office of President or Vice-President becomes vacant, by death, resignation, removal or otherwise, the District Board shall choose another member to be President or Vice-President as the case may be :

Provided that notwithstanding the expiry of his term, a President or Vice-President shall continue in office until three of the clock on the day prior to the day appointed for the election of the next President.

(2) The election of the President or the Vice-President of a District Board and filling up of vacancies in the said offices shall be held in accordance with such rules as may be made in this behalf by the Government.

Resignation or removal of President and Vice-President and grant of leave to President and Vice-President.

63. (1) A member holding office as President or Vice-President may resign his office at any time by writing under his hand addressed to the Deputy Commissioner and his office shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless, within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Deputy Commissioner.

(2) Every President or Vice-President shall vacate office if he ceases to be a member of the District Board :

Provided that he shall be removable from office as such President or Vice-President by the Government for not commanding the confidence of the Board, to be evidenced by a resolution of the District Board in favour of which not less than two-thirds of the whole number of members of such Board have given their votes at a meeting specially convened for the purpose.

(3) Every President who, for a period exceeding three months and every Vice-President who, for a period

exceeding three months, absents himself from the District in such manner as to be unable to perform his duties as, President or Vice-President, shall cease to be President or Vice-President, as the case may be, unless leave so to absent himself has been granted by the Board.

(4) Leave under sub-section (3) shall not be granted for a period exceeding six months, and whenever leave is granted to a President or Vice-President under that sub-section, the Board shall elect one of its members to exercise all the powers and perform all the duties of a Vice-President in lieu of the Vice-President, if any, who is exercising the powers and performing the duties of the President or who is absent on leave, during the period for which such leave is granted. If there is no Vice-President for the Board or if the Vice-President is also on leave when leave is granted to a President, the Board shall elect one of the members to perform the duties of the President on leave.

Jurisdiction of District Board.

64. The jurisdiction of a District Board shall extend over the area of the district for which the District Board has been established, except areas excluded from its jurisdiction under section 49.

CHAPTER VII.

CONDUCT OF BUSINESS.

Powers of President.

65. The President of a District Board shall—

(*a*) preside at the meetings of the Board and all its standing committees ;

(*b*) watch over the financial and executive administration of the Board and exercise general supervision and control without prejudice to the statutory powers of the Chief Executive Officer ;

(*c*) submit to the Board all questions which require its sanction ;

(*d*) furnish to the Government a copy of every resolution passed at every meeting of the Board and extracts from the minutes of the proceedings of the Board or other document or thing which the Government may from time to time call for, and forward a copy to the Commissioner;

(*e*) furnish to the Commissioner a copy of any resolution or extracts from the minutes of the proceedings of the Board or other document or thing which he may from time to time call for; and

(*f*) subject to the provisions contained in rules to be made in this behalf by the Government, exercise such powers or duties relating to the executive functions of the Board which may be delegated to him by the Board.

Emergency powers of President.

66. The President of the District Board may, in cases of emergency, direct the execution or stoppage of any work or the doing of any act which requires the sanction of the Board and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the District Fund:

Provided that—

(*a*) he shall not act under this section in contravention of any order of the Board prohibiting the execution of any particular work or the doing of any particular act, and

(*b*) he shall report forthwith the action taken under this section and the reasons therefor to the standing committee at its next meeting.

Powers of Vice-President.

67. The Vice-President of a District Board shall—

(*a*) in the absence of the President, preside at the meetings of the Board;

(*b*) exercise such powers and perform such duties of the President as the President may, from time to time, delegate to him; and

(*c*) exercise powers and perform the duties of the President, pending the election of a President or during the absence of the President on leave.

(Chapter VII—Conduct of Business)

Meetings of District Boards.

68. (1) A District Board shall meet for the transaction of business generally at district headquarters and occasionally at other places with the permission of the Government, once in every two months (hereinafter in this section called ordinary meeting) and shall, subject to the provisions of the following sub-sections, make, from time to time, regulations not inconsistent with this Act and with any rules or orders made by the Government in this behalf, with respect to the day, hour, notice, management and adjournment of its meetings and generally with respect to the transaction of business thereat, as it thinks fit.

(2) (*a*) The date of the first meeting of the Board after reconstitution, shall be fixed by the Chief Executive Officer and the Deputy Commissioner shall preside at such meeting and the date of each subsequent ordinary meeting shall be fixed at the previous meeting of the Board, provided that the President may, for sufficient reasons, alter the day of the meeting to a subsequent date. The President may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the members and for a date within twenty-one days from the receipt of such request, call a special meeting. Such request shall specify the object for which the meeting is proposed to be called.

(*b*) Fourteen clear days' notice of an ordinary meeting and ten clear days' notice of a special meeting specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be sent to the members and posted up at the District Board Office. Such notice shall include in the case of a special meeting any motion or proposition mentioned in the written request made for such meeting.

(*c*) One-third of the whole number of members of the District Board shall form a quorum for transacting business at a meeting of the Board. If, at the time appointed for the meeting or within half an hour thereafter, a quorum is not present, the presiding authority shall adjourn the meeting to such hour on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if attention is drawn to the want of a quorum. At such adjourned meeting the business which would have been brought before the original meeting shall be transacted, whether there is a quorum

present or not, provided that not less than five members are present.

(*d*) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the Board such as should be held in private, and provided that the said authority may at any time, cause any person to be removed who interrupts the proceedings.

(*e*) Every meeting shall be presided over by the President, or, if he be absent, by the Vice-President, if any, and if both the President and Vice-President are absent or if the President be absent and there is no Vice-President, by such one of the members present as may be chosen by the meeting to be Chairman for the occasion.

(*f*) All questions shall, unless otherwise specially provided, be decided by a majority of votes of the members present and voting. The President, Vice-President or Chairman, as the case may be, unless he refrains from voting, shall give his vote before declaring the number of votes for and against a question and in case of equality of votes, he shall give his casting vote.

(*g*) No member of a District Board shall vote on, or take part in, the discussion of any question coming up for consideration at a meeting of the Board or any Committee, if the question is one in which apart from its general application to the public he has any direct or indirect pecuniary interest.

(*h*) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any member of the Board may be chosen to preside at the meeting during the continuance of such discussion.

(*i*) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting or, in the case of a special meeting, in the written request for such meeting. The

order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority, who, in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(*j*) Any ordinary meeting may, with the consent of a majority of the members present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

(*k*) No resolution of a District Board shall be modified or cancelled within six months after the passing thereof, except by a resolution passed by not less than one-half of the whole number of members at an ordinary or special meeting, notice whereof shall have been given fulfilling the requirements of clause (*b*) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

(3) Minutes shall be kept of the names of the members and of the Government officers, if any, present under the provisions of sub-section (4) of section 80 and of the proceedings at each meeting of the Board, and if any member present at the meeting so desires, of the names of the members voting, respectively, for or against any resolution, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the President, Vice-President or Chairman of such meeting and shall, at all reasonable times, be open to inspection by any member of the Board or by any person entitled to vote for elections to the District Board.

(4) A copy of every resolution passed by a District Board at a meeting shall, within ten days from the day of the meeting, be forwarded to the Government and to the Commissioner, and the Government may pass such orders thereon as they may think fit.

Vacancy not to affect proceedings of Board or Committee.

(5) During any vacancy in a District Board or any Committee thereof, the continuing members may act as if no vacancy had occurred.

(Chapter VII—Conduct of Business)

Interpellations and resolutions.

69. (1) A member of a District Board may call the attention of the President to any neglect in the execution of the District Board work, to any waste of District Board property, or to the wants of any locality within the District Board area and may suggest any improvements which may appear desirable.

(2) A member of a District Board may move resolutions and interpellate the President on matters connected with the administration of the Board, subject to such regulations as may be made by the Board.

(3) Every member shall have access to the records of the District Board or of any Committee after giving due notice to the President, provided that the President may, for reasons given in writing, forbid such access.

(4) A District Board may, subject to such restrictions and conditions as may be imposed by the Government by rules made in this behalf, pass and submit for the consideration of the Government, resolutions on questions connected with the administration of the district other than those coming within the purview of this Act.

Chief Executive Officer and other officers of the District Board.

70. (1) Every District Board shall have a Chief Executive Officer appointed by the Government.

(2) Subject to such rules as may be made by the Government in this behalf, every District Board shall be entitled to employ such officers and servants and assign to them such pay, allowances, gratuities, pensions and contributions as may be necessary, and generally to provide for leave, punishment and other matters relating to the officers and servants by regulations.

(3) The officers and servants appointed by the District Board under sub-section (2) shall be subordinate to, and subject to the disciplinary control of, the Chief Executive Officer.

Functions of the Chief Executive Officer.

71. The Chief Executive Officer shall perform the following functions:—

(1) convene meetings and maintain proceedings thereof;

(2) furnish the District Board with returns, statements, estimates, statistics or other information relating to the administration of the Board, and reports on

such matters and copies of documents in his charge whenever called upon by the District Board to do so;

(3) exercise supervision and control over the acts of all officers and servants of the Board in matters of executive administration and in matters relating to accounts and records of the Board;

(4) furnish to the Government through the President a copy of every resolution passed at a meeting of the Board;

(5) furnish through the President any extract of the proceedings of the Board or of any Committee thereof or of other documents or things which the Commissioner or any officer authorised by the Government in this behalf, may call for;

(6) appoint with the approval of the President, and subject to such rules as the Government may make in this behalf, qualified persons to posts under the District Board and grant leave of absence to holders of such posts and to fine, reduce, suspend or dismiss holders of such posts:

Provided that an appeal shall lie against his orders of fine, reduction, suspension or dismissal to the Commissioner;

(7) prefer, subject to the provisions of this Act, complaints in prosecutions by the District Board and initiate or conduct proceedings, civil or criminal, on behalf of the Board;

(8) subject to regulations made by the District Board in this behalf, take part in meetings of the Board and speak thereat but shall not vote or move any motion; and

(9) such other functions as may be delegated to him by the Board.

Mode of making contracts.

72. (1) Every contract or agreement entered into on behalf of the District Board, shall be binding on the District Board only if the said contract or agreement is executed in accordance with the provisions of this section.

(2) In respect of matters which he is empowered to carry out under the provisions of this Act, the Chief Executive Officer may execute contracts or agreements

on behalf of the District Board where the amount or value of such contract or agreement does not exceed one thousand rupees and he may execute such contract or agreement on behalf of the District Board with the previous approval of the President where the amount or value of such contract or agreement exceeds one thousand rupees but does not exceed three thousand rupees and in all other cases, he shall execute a contract or agreement only with the approval or sanction of the District Board.

(3) Notwithstanding anything to the contrary in sub-section (2), the Chief Executive Officer shall not execute any contract or agreement on behalf of the District Board for the purchase, sale, lease, mortgage or other transfer of immovable property, except with the approval or sanction of the District Board.

Contracts entered into by the Chief Executive Officer to be reported.

73. Where a Chief Executive Officer enters into a contract or agreement on behalf of a District Board, he shall report the fact to the District Board within fifteen days thereof.

District Fund ordinarily liable for all costs and expenses incurred by the Board.

74. Except as is hereinafter otherwise provided, no Chief Executive Officer and no member of a District Board shall be personally liable in respect of any contract or agreement made, for any expense incurred by, or on behalf of, such Board: the District Fund at the disposal of each District Board shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses:

Provided that every member of a District Board shall be personally liable for the misapplication, loss or waste of any money or other property of the Board, entrusted to him as member or to which he has been a party or which has been caused or facilitated by his misconduct or gross neglect of his duty as a member and may be sued by the Board concerned with the sanction of the Government, or by the Government, for the recovery of or compensation for the misapplication, loss or waste of such money or property; and any money or property so recovered by the Government shall, after satisfaction therefrom of the necessary expenses of such recovery, be delivered to the District Board.

Powers to compromise suits and claims.

75. (1) A District Board may compromise in respect of any suit instituted by or against it, or, in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compromising any claim or demand arising out of such contract.

(2) A District Board may make compensation out of the District Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it and its officers and servants under this Act.

Works to be executed by the Public Works Department.

76. (1) All public works requiring a degree of professional skill not at the disposal of the District Board shall, as a rule, be carried out by the Public Works Department unless specially ordered otherwise by the Government.

(2) All other works of the District Board shall be executed by such agency and subject to such supervision as the District Board thinks fit, subject to the rules prescribed by the Government in this behalf:

Provided that any such work shall be executed by the Public Works Department in the manner specified in sub-section (1), if the Board communicates a desire to that effect.

(3) When any work is executed for a District Board by the Public Works Department, the expenses incurred on the work together with the charges for supervision and tools and plant at such rates as may be fixed by the Government shall, unless waived by the Government, be payable by the Board to the Public Works Department.

District Board to appoint Committees.

77. (1) Every District Board shall appoint the following committees:—

(i) Standing Committee;

(ii) Audit Committee;

(iii) Public Health Committee;

(iv) Scheduled Castes Amelioration Committee.

(Chapter VII—Conduct of Business)

(2) The President of the District Board shall be a member and the Chairman of the Standing Committee and the Audit Committee and the Vice-President of the District Board shall be a member and the Chairman of the Public Health Committee and the Scheduled Castes Amelioration Committee and in the absence of the Chairman the Committee may appoint any other member to officiate as Chairman.

(3) The total number of members of each committee shall be such as may be prescribed by regulations made in this behalf by the District Board :

Provided that such number shall not be more than 7 nor less than 5 :

Provided further that the Scheduled Castes Amelioration Committee shall consist of not more than nine members of whom not more than six members shall be the Scheduled Castes members of the Board.

Functions of Committees.

78. (1) The Standing Committee shall frame the budget and enunciate policies to be adopted by the Board before they are submitted to the Board and shall also exercise such other powers as may be delegated by the Board.

(2) The Audit Committee shall scrutinise proposals for increase of revenue, examine receipts and expenditure statements, consider all new propositions affecting finance and shall generally supervise the revenue and expenditure of the Board and perform such other functions as may be delegated by the Board.

(3) The Public Health Committee shall perform such duties and exercise such powers of the Board as may be delegated to it by the Board in regard to matters of public health and sanitation and shall give effect to the provisions of this Act and rules and regulations framed thereunder and may delegate any of its duties and powers to any member or officer of the Board. Such member or officer shall conform to any instructions that may, from time to time, be given by the Board. The committee may, at any time, withdraw any of the duties or powers so delegated.

(4) The Scheduled Castes Amelioration Committee shall watch over every Scheduled Castes amelioration work, save such work as may be excluded from its purview by an order of the Government in this behalf.

Other committees.

79. A District Board may appoint committees consisting of such members as it may decide for any purpose other than those specified in sections 77 and 78 and may invest each committee so appointed with such powers as may be necessary or expedient for the fulfilment of the purpose for which it is appointed; and every such committee, shall cease to exist on completion of the specific purpose for which it is appointed or at such time as may be determined by the District Board.

Procedure of committees.

80. (1) A District Board may frame regulations relating to election or appointment of members of committees, conduct of business therein, and all other matters relating to them.

(2) Every committee as mentioned in section 77 shall meet at least once a month.

(3) The Chief Executive Officer shall attend every meeting of every committee and shall be entitled to take part in discussions but not to vote or move motions.

(4) All Heads of Departments and District Officers of Government shall, ordinarily on the invitation of the President of a District Board, attend any meeting of the District Board or of any committee thereof, and to address such Board or committee on any matter under discussion affecting their respective departments and shall furnish their advice in such matters whenever desired by the Board or the committee.

Joint Committee.

81. (1) A District Board may, from time to time, concur with any other District Board or with any Municipal Council or with any Panchayet or with more than one such Board or Council or Panchayet in appointing, out of their respective bodies, a Joint Committee for any purpose in respect of which they are jointly interested, and in delegating to any such Joint Committee any power which might be exercised by either or any of the Boards or Councils or Panchayets concerned, and in framing or modifying regulations, as to the proceedings of any such Joint Committee.

(2) If any dispute arises between two or more local authorities acting under this section, the decision thereon shall rest with the Government:

Provided that the Government may delegate their power under this section to such officer in such matters

and to such extent as may be prescribed by rules framed in this behalf.

Acts of Boards, etc., not to be invalidated.

82. No act of a District Board, or of any committee, or of any person acting as a member or as a President, Vice-President, or Chairman or Chief Executive Officer shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee, President, Vice-President, Chairman or Chief Executive Officer or member, or on the ground that they, or any of them, were disqualified for such office, or that formal notice of the intention to hold a meeting of the Board or Committee was not duly given, or by reason of such act having been done during the period of any vacancy in the office of the President, Vice-President or Chief Executive Officer or member of such Board or Committee, or for any other informality.

CHAPTER VIII.

FUNCTIONS OF DISTRICT BOARD.

Power of District Board to acquire and hold property and to contract.

83. Subject to the rules or orders made by the Government in this behalf consistently with this Act, every District Board shall have power to acquire and hold property, both moveable and immoveable, whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any moveable property which may have become vested in or been acquired by it and to contract and to do all other things necessary for the purposes of this Act:

Provided that no lease of immoveable property for a term exceeding seven years and no sale or other transfer of any such property, shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Government:

Provided also that nothing herein contained shall empower any District Board to raise loans except as provided for in section 114 and without the previous sanction of the Government.

Roads and other property of the old District Boards to vest in the District Boards constituted under this Act.

84. All roads, bridges, channels, buildings, and other property, moveable and immoveable, held by or under the control and administration of and all institutions committed to the management of the District Board in each district for the purposes of the Mysore District Boards Act, 1926, shall, for the purposes of this Act, be under the control, administration and management of the District Board of such district, subject to all rights, if any, existing over, and all debts, liabilities, and obligations, if any, affecting, such properties and institutions, provided that nothing herein contained shall empower the District Board to exercise any authority or control over the properties and institutions whose administration devolves on a Panchayet constituted under this Act.

Works constructed by District Board to be vested in it.

85. Every road, building or other work constructed by a District Board from the District Fund shall be vested in such Board, except such portion of the road as may lie within the area of a municipality.

Obligatory duties of District Boards.

86. (1) It shall be the duty of every District Board to make, subject to such exceptions and conditions as may from time to time be made or imposed by the Government in this behalf, reasonable provision for the following matters within the area under its jurisdiction and when effective provision cannot otherwise be made, outside that area :—

(i) construction, repair and maintenance of public roads and other means of communication which are not under the control of any other local body or of the Government ;

(ii) planting and preservation of trees on the sides of roads and other public grounds in its control ;

(iii) establishment, management, maintenance and inspection of hospitals, dispensaries, veterinary hospitals, markets, travellers' bungalows, musafirkhanas, rest-houses and other public institutions and the construction and repair of all buildings connected with these institutions ;

(iv) construction and repair of public wells, tanks and water works which serve more than one Panchayet, supply of water from them and from other sources and preservation from pollution of water for drinking and cooking purposes ;

(v) promotion of vaccination and the appointment and control of vaccinators;

(vi) measures necessary for the public health, sanitation and other local services affecting villages in different Panchayets and control of public health and sanitation during jatras or fairs and festivals;

(vii) management of such public ferries as may be entrusted to its charge;

(viii) maintenance of any building or other property vested in the Board under this Act;

(ix) formulation of annual programmes of rural development and Scheduled Castes upliftment work in the District for the approval of the Government;

(x) organisation of conferences, training centres, agricultural and industrial exhibitions for the benefit of the rural areas;

(xi) organisation and maintenance of rural publicity and propaganda;

(xii) spread, and encouragement of social education work in the district;

(xiii) control of fairs, festivals and shandies; and

(xiv) such other matters as may be entrusted to the District Board by the Government from time to time.

(2) A District Board may, subject to regulations made in this behalf, entrust to a Panchayet within the district the right to establish and ply ferries.

Discretionary duties of District Boards.

87. A District Board may, in its discretion,—

(A) (1) provide for the registration of births and deaths within the district subject to such conditions as the Government may impose in this behalf;

(2) with the sanction of the Government from time to time, guarantee the payment from the District Fund of such sums as it shall think fit as interest on capital expended on any works which may directly improve the means of communication within the district or between the district and other districts;

(3) encourage and develop co-operative societies in the district;

(4) promote development of economic conditions with special reference to agriculture, industry and commerce;

(5) encourage local arts and industries and grant loans for this purpose, subject to such rules as may be made in this behalf by the Government;

(6) take measures for improvement of cattle;

(7) provide motor and other transport facilities for the carriage of the public or guarantee from the District Fund such sums as the District Board shall think fit as interest on capital expended by the Government or a company for this purpose and grant loans for providing capital for this purpose;

(8) provide accommodation for any class of servants employed by the District Board or belonging to any institution to which the Board makes regular grants and grant loans to such servants for construction of houses, subject to such rules and conditions as may be made by the Government in this behalf; and

(B) with the previous approval of the Government—

(1) organise and maintain in time of famine or scarcity, relief and local relief works and shops or stalls for the sale of necessary supplies;

(2) contribute towards any public fund raised for the relief of human suffering within or without the area under the authority of the District Board;

(3) by a resolution passed at a meeting and supported by one-half of the whole number of members of the District Board, arrange for any public reception, ceremony or entertainment;

(4) establish and maintain middle and high schools, industrial and trade or occupational institutions in the district;

(5) undertake any other measure not hereinbefore specially named to promote the public health, safety or convenience, material or moral development of the people or which is necessary for the carrying out the purposes of this Act, expenditure whereon is resolved by the District Board by the votes of not less than one-half of the whole number of members of the District Board to be an appropriate charge on the District Fund.

District Board may, with the consent of owners, take over and repair works.

88. A District Board may enter into an agreement with the person in whom the property in any road, bridge, tank, ghat, well, channel or drain is vested to take over the property therein, and after such agreement may declare, by notice in writing put up thereon, or near thereto, that such road, bridge, tank, ghat, well, channel or drain has been transferred to the District Board. Thereupon, the property therein shall be vested in the District Board, and such road, bridge, tank, ghat, well, channel or drain shall thenceforth be repaired and maintained out of the District Fund.

Government may place roads and other property under District Board.

89. It shall be lawful for the Government from time to time to direct that any road, bridge, channel, building or other property, moveable or immoveable, which is vested in the Government and which is situated within a district, shall, with the consent of the District Board of such district, and subject to such exceptions and conditions as the Government may make and impose, be placed under the control and administration of the District Board for the purposes of this Act and thereupon such road, bridge, channel, building or other property shall be under the control and administration of the Board, subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

Power of Government to resume property.

90. It shall be competent to the Government from time to time by notification in the *Mysore Gazette* to resume any property placed under the control of a District Board under section 89, on such terms as the Government may determine with the consent of the Board.

District Boards may undertake construction, repair and maintenance of Government buildings.

91. It shall be lawful for a District Board from time to time to undertake, on behalf of the Government and upon such conditions as may be agreed upon, the construction, repair and maintenance of any public building or other work which is the property of the Government:

Provided that the cost of such construction, repair and maintenance shall be defrayed by the Government.

Other duties of District Boards.

92. Every District Board shall render such technical assistance as may be available with it and as may be required by the Village Panchayets within the District free of cost and it shall be lawful for a District Board to supplement works of development undertaken by a Panchayet within the district by taking up schemes which are beyond the powers of the Panchayets to execute.

Powers to turn, divert, discontinue or close road.

93. A District Board may, with the sanction of the Government, turn, divert, discontinue or permanently close any road which is under the control and administration of, or is vested in, the District Board.

Power to permit temporary occupation or use of roads and lands vested in the Board.

94. Subject to regulations made in this behalf, the Chief Executive Officer of a District Board may permit the temporary occupation or use of any road or land vested in the Board for the erection of pendals or for any other lawful purpose.

Control of unwieldy traffic.

95. It shall be lawful for a District Board, subject to such rules as may be prescribed by the Government in this behalf and to the regulations framed by the District Board, to notify that any road vested in it shall not be used by any vehicle (not being a motor vehicle duly licensed under the provisions of the Mysore Motor Vehicles and Road Traffic Act, 1944, for the time being in force) of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians except under a license issued by the Chief Executive Officer and in accordance with the rules framed by the Government from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions.

(Chapter VIII—Functions of District Board)

Public ferries.

96. (1) A District Board may, subject to such rules as may be prescribed by the Government, establish public ferries for the conveyance of passengers, vehicles, animals and goods.

(2) No public ferry shall, after the commencement of this Act, be newly established or closed without the sanction of the Board and no person shall keep open a public ferry which has been entrusted to the charge of the District Board without a licence from the District Board.

(3) Whoever contravenes the provisions of this section shall, on conviction by a magistrate, be punished with fine which may extend to five hundred rupees.

Establishment of market, etc.

97. (1) No market and no jatras, fairs, agricultural and cattle shows and exhibitions except those which are managed by Muzrai and other officers authorised by the Government in this behalf, shall be newly established in any area under the authority of a District Board or a Panchayet without the previous sanction of the Government which, in respect of an application by a Panchayet, will be accorded after previous consultation with the District Board concerned.

(2) The grant of permission under sub-section (1) shall be subject to such conditions, and restrictions as the Government may lay down generally or specially in the case of any particular institution or class of institutions.

(3) Whoever contravenes the provisions of this section shall, on conviction by a magistrate, be punished with fine which may extend to five hundred rupees.

(4) If any question arises whether any place is a market or not, the Panchayet or the District Board concerned shall make a reference to the Government and the decision of the Government thereon shall be final.

Regulation of certain trades.

98. Subject to the provisions of section 31, it shall be lawful for a District Board to notify that no place within the area under its authority shall, after sixty days from the date of such notification, be used for any one or more of the purposes specified in Schedule V, without a license from the President of the Board and except in accordance with the conditions specified therein.

Grant of licenses.

99. (1) All applications for licenses and permissions under this Part may be disposed of by the Chief Executive Officer of the District Board who may suspend or cancel a license granted for default of any of the conditions subject to which it was issued or given. When a license is granted, refused, suspended or cancelled by the Chief Executive Officer, any person aggrieved by his order, shall have the right of appeal to the Board within three months from the date of such order.

(2) A license under this Part shall be granted only on payment in advance of a fee at such rates as may be prescribed.

(3) Whoever keeps open or uses, without a license or after a license is suspended or cancelled, any place for any purpose for which a license is required under this Part shall, if not punishable under any other section of this Act, be punished, on conviction by a magistrate, with a fine which may extend to one hundred rupees. He may also be punished with further fine which may extend to twenty-five rupees for every day on which such act is continued after the date of conviction, or any subsequent date as may be fixed by the magistrate.

Prosecution for offences.

100. The Chief Executive Officer may, if authorised by the Board, prefer complaints in respect of any public nuisance and may take proceedings for the recovery of any penalty and for the punishment of any person offending against the provisions of this Act or of any rule or regulation thereunder and the expenses of such prosecution or other proceeding shall be paid out of the District Fund :

Provided that no prosecution for an offence under this Act or under any rule or regulation thereunder, shall be instituted except within six months next after the commission of such offence.

Jurisdiction of magistrates.

101. Any prosecution under this Part or under any rule or regulation relating to District Boards made under this Act may be instituted before any magistrate and every fine or penalty imposed under or by virtue of this Act or any regulation thereunder, and also all claims to compensation or other expenses, for the recovery of which no special provision is otherwise made in this Act, may be recovered, on application to such magistrate,

by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

Power to compromise and compound offences.

102. (1) A District Board may—

(*a*) compromise with any person who, in the opinion of the District Board, has committed an offence punishable under this Act or any rule or regulation thereunder and on such compromise, no proceedings shall be taken against such person in respect of such offence ;

(*b*) withdraw from prosecutions instituted under this Act or under any bye-law thereunder;

(*c*) compound any offence against this Act or any rule or regulation made thereunder, which may, by rules made by the Government, be declared compoundable :

Provided that the Government may make rules to regulate the proceedings of persons empowered to compound offences under this section.

(2) Sums paid by way of composition under this section shall be credited to the District Fund.

Damage to any District Board property how made good.

103. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act, any damage to the property of any District Board, shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty, and the value of the damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted. Such value shall be recoverable in the manner provided under Chapter X.

CHAPTER IX.

FINANCE.

District Fund, its custody and investment.

104. (1) There shall be in each district, a fund which shall be called the District Fund, and be administered by the District Board of the district.

(2) It shall be lawful for a District Board to deposit at interest with the Government Savings Bank or with the sanction of the Government, in any Bank in the State, any surplus funds in its hands which may not be required for current charges and with the like sanction, invest such funds in securities of the Government of India or of the Government of Mysore or in such other securities as the Government may, from time to time, approve in this behalf, and vary such investment or dispose of such securities with the like sanction.

(3) The District Fund over and above what is invested as provided for in sub-section (2), shall be kept in the Government Treasury of the district.

Composition of District Fund.

105. The following shall form part of, or be paid into the District Fund :—

(i) the balance of the District Fund and of the Rural Development Fund, if any, at the commencement of this Act;

(ii) all rates, cesses, tolls, fees and penalties paid to or levied by or on behalf of the District Board under this Act, and all fines imposed by a Magistrate under this Act or the regulations framed thereunder ;

(iii) all rents from lands or other properties of the District Board;

(iv) all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise ;

(v) all proceeds of land and other property sold by the District Board including sale proceeds of grass and of the produce of trees not vested in private individuals on the sides of roads and on other public ground under the control and administration of the District Board and of timber fallen or felled therefrom ; and

(vi) all sums received by or on behalf of the District Board by virtue of this or any other Act.

Levy of local cess.

[1][**105-A.** (1) The Government shall levy a local cess at a rate of one anna in the rupee on all items of land revenue and forest revenue and may, on the request of any District Board, levy the local cess within the jurisdiction of that

1. Inserted by Act XXVIII of 1952.

District Board, at a rate not exceeding two annas in the rupee on all or any of the said items of revenue.

(2) The levy and collection of the local cess shall be made in such manner as may be prescribed.]

Government to assign to District Boards certain revenues.

106. (1) The Government shall assign to a District Board an amount equal to six and a one-fourth per cent of [1][the net land revenue] collected in the area within the jurisdiction of the District Board.

(2) The Government shall also assign to all the District Boards in the State an amount equal to six and a one-fourth per cent of [the net land revenue] collected in the State, the amount to be allotted to each District Board being such as the Government may from time to time determine.

[2][*Explanation.*—For determining the net land revenue collected for purposes of assignment to the District Boards under sub-sections (1) and (2), the cost of collection calculated in the prescribed manner and charges on irrigation, collected as water rate or other charge, shall be excluded from the gross amount collected]

[1][(3) The Government shall further make over to every District Board the following amounts, namely—

(*a*) an amount equal to one-seventeenth of the excise revenue collected in the area within the jurisdiction of the District Board excluding the cost of collection; and

(*b*) an amount equal to the entire local cess collected under section 105A in the area within the jurisdiction of the District Board excluding the cost of collection.

Explanation.—In this sub-section 'excise revenue' means the revenue derived from such items as may from time to time be determined by the Government.]

(4) The amounts assigned and made over to a District Board under sub-sections (1), (2) and (3) may be credited to the District Fund once every year in such manner as may be prescribed.

* * * *

1. Substituted by Act XXVIII of 1952.
2. Inserted by Act XXVIII of 1952.
3. Sub-section (5) of section 106 omitted by Act XXVIII of 1952.

Assignment of portions of other revenues to District Fund.

107. (1) Such portion of the following taxes, namely :—

(i) vehicle tax ;

(ii) road tax on lorries, buses and vehicles ;

(iii) service tax ; and

(iv) revenue on registration of immovable properties within the local limits of the District Board,

as may be assigned from time to time, by the Government to the District Board shall form part of and be paid into the District Fund.

(2) Out of the portion of revenue assigned to District Boards under this section, each District Board shall be entitled to a part which is in the same proportion to the total amount so assigned as the length of the roads within the district, bears to the total length of roads within all the District Boards in the State.

District Board property and District Fund how to be applied.

108. All property vested in the District Board under this Act, and all funds received by it in accordance with the provisions of this Act, and all sums accruing to it under the provisions of any law for the time being in force, shall be applied for expenditure as provided for in this Act :

Provided that all sums made over to or realised by a District Board for any specific purpose shall be applied solely for that purpose.

Application of District Fund and property.

109. The District Fund and all property held by or vested in the District Board under this Act, shall be applied subject to the provisions of this Act, for the payment of—

(*a*) travelling allowances to members of the District Board or any committee thereof, subject to such rules as may be made in this behalf by the Government ;

(*b*) the salaries, allowances, pensions and gratuities of its officers and servants ;

(*c*) any amounts falling due on any loans contracted by the Board ;

(*d*) expenses incurred—

(i) for holding elections to the District Board under this Act ;

(ii) for the purposes specified in this Act ; and

(iii) all other purposes for which by or under this Act or the rules or regulations thereunder or any other law for the time being in force, powers are conferred or duties imposed upon the District Board; and

(iv) with the previous sanction of the Government, for any other purpose for which the application of such property or fund is necessary in the public interest:

Provided that any funds granted to the District Board by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may lay down, either generally or specifically in this behalf.

Rents and fees.

110. Subject to the regulations made in this behalf, a District Board may charge fees for any permission issued under this Act and levy rents and fees for the occupation or use of any road, land or other property placed under its control or vested in it or maintained out of the District Fund.

Agency for collection.

111. The local cess shall be collected by the departmental Government officers or establishments concerned, along with the principal items of revenue on which the cess is leviable. All other items of revenue shall be collected by such agency as the District Board appoints in this behalf with the approval of the Government, provided that it shall be lawful for a District Board to lease the right to levy tolls or any fee that may be imposed under this Act by public auction, subject to the rules prescribed, and the amount due under such lease shall be recoverable in the manner provided in Chapter X.

Power to expel persons who refuse to pay fees.

112. When any fee has been imposed under section 110 or the right to collect it has been leased under section 111, any person employed by the District Board or by the lessee to collect such fees may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable, any person who is liable to pay the fee but refuses to pay it.

District Board may raise loans and may form a sinking fund.

113. It shall be lawful for a District Board, with the previous sanction of the Government and subject to the conditions imposed by them, from time to time, to raise loans for the execution of any work or for the purpose

of carrying out any of the provisions of this Act and to form a sinking fund for the repayment of such loans.

Grant of loans to encourage local arts and industries.

114. Subject to the rules that may be made by the Government from time to time, a District Board may grant loans from the District Fund to encourage local arts and industries and recover the same in the manner provided in Chapter X.

Contribution to expenditure incurred by the Government and power to make grants-in-aid.

115. Subject to the previous sanction of the Government, a District Board may make grants-in-aid to any medical, educational or charitable institution or any other institution of public utility, within or without the area under its authority, whether it be under public or private management.

Arrangement purporting to be binding permanently or for a term of years.

116. When a District Board has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any institution a yearly contribution from its property or from the District Fund, it shall be lawful for the District Board or its successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such contribution, provided that it shall have given at least one year's notice of its intention so to do to the manager or managers of such institution.

Prohibition of expenditure not budgeted for.

117. Except as hereinafter provided, no payment of any sum shall be made out of the District Fund unless the expenditure of the same is covered by a budget grant, provided that the following items shall be excepted from this prohibition, namely :—

(*a*) Refunds of taxes and other moneys which the District Board is authorised by this Act or the rules made thereunder to make ;

(*b*) Repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the District Fund by mistake ;

(*c*) Sums which the District Board is required or empowered by this Act to pay by way of compensation ;

(*d*) Every sum payable,

(i) under this Act by order of the Deputy Commissioner or by order of the Government,

(ii) under a decree or order of a civil court passed against the District Board,

(iii) under a compromise of any suit or other legal proceedings or claim ;

(*e*) Expenses incurred in the exercise of power conferred by regulations made under section 174 ;

(*f*) All contributions payable by the District Board to the Government for the maintenance of water-supply, dispensaries and other institutions managed by the Government on behalf of the District Board or on behalf of any other local authority or authorities.

Presentation of accounts.

118. (1) The Standing Committee shall have prepared and laid before the District Board at its ordinary meetings complete accounts of the receipts and expenditure of the District Board since the first day of April last preceding and at a meeting which shall be held between the first day of November and the first day of January, a complete account of the actual and expected receipts and expenditure for the official year ending on the thirty-first day of March next following, together with a budget estimate of the income and expenditure of the District Board for the official year to commence on the first day of April next following.

(2) The District Board shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the District Board shall be sent for approval to the Government through the Commissioner before such date as may be fixed by the Government.

If the budget is not returned by the Government within two months of the receipt thereof by the Government, the budget should be presumed to have been approved by the Government.

(3) In such budget estimate, the District Board shall, among other things—

(*a*) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the District Board by this Act or any other law ;

(*b*) provide for the payment, as they fall due, of all instalments of principal and interest for which the District Board may be liable in respect of loans contracted by it ;

(*c*) provide for the payment of all sums payable to the Government under section 76 and of all contributions for the maintenance of water-supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the District Board and on behalf of any other local authority or authorities;

(*d*) allow for a balance at the end of the said year of not less than such sum as may, from time to time, be fixed by the Government generally for all District Boards or specially for any District Board.

(4) If the budget as submitted fails to make adequate provision for the obligatory duties of the District Board and is not otherwise in conformity with this Act, the Government may, in according sanction, modify any part of the budget so as to ensure that such provision is made and that the budget is in conformity with the Act.

Revision of budget.

119. If, in the course of the official year, the District Board finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that, without the approval of the Government—

(*a*) no reduction shall be made in the amounts allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section 118; and

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*d*) of sub-section (3) of section 118.

Maintenance of accounts and restriction on expenditure.

120. (1) Accounts of the income and expenditure of the District Fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the District Fund shall, save as otherwise expressly provided for in this Act, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The District Board shall, at the first general meeting held after the audit of the past official year's accounts, pass such accounts.

Audit of accounts.

121. (1) The District Fund accounts shall, from time to time, and once in every year at least, be audited by an auditor appointed by the Government and, with the previous sanction of the Government, also by such other agency, if any, as may be appointed by the District Board.

(2) The auditor or auditors shall, for the purposes of audit, have access to all the accounts and other records of the District Board.

(3) The District Board shall pay from the District Fund such charges for the audit as may be agreed upon and in the case of a Government auditor, such charges as may be prescribed by the Government.

Powers of Government auditor.

122. The Government auditor may—

(*a*) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit;

(*b*) by written requisition, require any person accountable for or having the custody or control of, any such document to appear in person before him; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Duties of Government auditor.

123. (1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the Standing Committee a report upon the audit of the District Fund accounts;

(*b*) report to the Standing Committee and to the Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of money due to the District Board or in the District Fund accounts; and

(*c*) report to the Standing Committee and to the Commissioner any loss or waste of money or other property owned by or vested in the District Board caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste.

Standing Committee to remedy defects.

(2) The Standing Committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

Disallowance by Government auditor and order by Commissioner.

124. (1) The Government auditor shall disallow every item contrary to law and report the same to the Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment.

(2) The Commissioner may, on the report of the auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been, but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

Appeal against the order.

125. Any person aggrieved by the order of the Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge, and the court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge, with such orders as to costs as it may think proper in the circumstances; or in lieu of such application, the person so aggrieved may, within the like period, appeal to the Government who shall pass such orders as they think fit.

Recovery of amounts disallowed.

126. Every sum certified to be due from any person by the Commissioner under this Act shall be paid by such person to the District Board within one month after the intimation to him of the said decision, unless within that time such person has appealed to the court or to the Government against the decision; and such sum, if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable by the Deputy Commissioner as an arrear of land revenue along with the necessary expenses of such recovery and shall be credited to the District Fund.

Transmission of accounts to Government.

127. The District Board shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in

this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Government or such officer may, from time to time, direct.

Annual Administration Report.

128. (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the President shall submit to the Government through the Commissioner, a report on the administration of the Board during the preceding official year in such form and with such details, as the Government may direct, with the resolution of the District Board thereon.

(2) The report may be published in such manner as the District Board, subject to the approval of the Government, may direct.

CHAPTER X.

RECOVERY OF DUES.

Notice of demand for fee, cess or other dues.

129. (1) When any sum not being a toll payable on demand—

(*a*) which by or under the provisions of this Act, is declared to be recoverable in the manner provided by this Chapter, or

(*b*) which is claimable as a fee, cess or other due under this Part or any rule or regulation under this Act,

shall have become payable and remains unpaid ten days after the same is due, the Chief Executive Officer of the District Board, or some person duly authorised by the President in writing in this behalf, may serve upon the person or persons liable to pay such sum, a notice in writing in the prescribed form.

Distress.

(2) If such person does not, within fifteen days from the service of such notice of demand upon him, pay the sum due, or show cause to the satisfaction of the Chief Executive Officer why the same should not be paid, the Chief Executive Officer or other person duly authorised by the Chief Executive Officer in writing in this behalf, may recover such sum, with all costs, by distraint and sale of the moveable property of the defaulter.

Warrant for distraint.

130. In order to effect the distraint and sale of property under sub-section (2) of section 129, the Chief Executive Officer or other officer duly empowered by him in this behalf, shall issue a warrant in the prescribed form and for each such warrant, a warrant fee of two annas shall be leviable.

Inventory and sale.

131. The Chief Executive Officer or other person duly authorised as aforesaid, shall make an inventory of the property distrained, a copy of which shall, on demand, be delivered to the defaulter or any person on his behalf, and if the amount due is not paid within fifteen days after distraint, the property may be sold.

Receipts to be given for all payments of fees, etc.

132. The Chief Executive Officer of the District Board shall give or cause to be given to every person making payment of a toll, fee, cess or other dues, a receipt therefor signed by him or some person duly authorised by him in that behalf. Such receipt shall specify—

(1) the date of the grant thereof,

(2) the name of the person by whom it is granted,

(3) the toll, fee, cess or other dues in respect of which the payment has been made,

(4) the period for which the payment has been made, and

(5) the amount in respect of which it is granted.

Conditions of distraint and sale.

133. (1) Whenever, under the provisions of this Part any property is distrained, seized or sold in consequence of the non-payment of any fee, cess or other dues, not being a toll, such distraint, seizure and sale shall be effected subject to the provisions of the following sub-sections and of section 62 of the Code of Civil Procedure.

Exemption from distraint and sale.

(2) All such property as is by the Code of Civil Procedure exempted from attachment or sale in execution of a decree shall be exempt from distraint or sale under this section.

(3) The distress shall not be excessive, that is to say, the property distrained shall be, as nearly as possible, proportionate to the amount due on account of the fee, cess or other dues and distraint fee and the probable expenses incidental to the detention and sale of the said property.

(4) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount due, in the opinion of the person seizing the property, exceed its value, the said person shall, immediately after seizure of such property, give notice to the person in whose possession it was when seized, to the effect that it will be sold at once, and shall sell it accordingly unless the amount due is forthwith paid. Perishable property.

(5) Any surplus that may remain after deducting the amount of the fees, cesses or dues and of the said expenses, including the expenses of the sale, shall be returned on demand if made within six months to the owner of the property, or if no demand be made within such period, shall be credited to the District Fund. Surplus sale proceeds.

(6) If any claim be set up by a third person to moveable property distrained under the provisions of this Chapter, the President shall admit or reject the claim on a summary enquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposed of as hereinbefore directed:

Provided that nothing in this sub-section shall be deemed to bar the claimant or any person having any interest in the property distrained, from seeking relief in a civil court having jurisdiction.

134. All arrears of fees, cesses and other sums due to a District Board at the time of the commencement of this Act, may be recovered by the District Board having authority over the district as though they had accrued under this Act. Recovery of arrears at the commencement of the Act.

135. Nothing herein contained shall preclude the institution of a suit for any amount due under this Act. Civil suit not barred.

136. No distraint shall be made and no suit shall be instituted in respect of any sum due to the District Board under this Act other than cesses collected under section 111 after the expiration of a period of three years from the date on which such distraint might have been made or suit might have been instituted, as the case may be, in respect of such sum. Recovery of amount due by suit not precluded.

PART IV—GENERAL.

CHAPTER XI.

CONTROL.

Commissioner for Local Self-Government.

137. (1) The Commissioner for Local Self-Government appointed by the Government shall be the chief controlling authority in respect of all matters relating to the administration of Village Panchayets and District Boards.

(2) The Government may, by notification in the *Mysore Gazette*, delegate to the Commissioner all or any of their powers under this Act except the power to make rules.

Annual report of working of Panchayets.

138. The Deputy Commissioner or such other officer as may be prescribed, shall submit annually to the Commissioner, a consolidated report on the working of the Panchayets of the district in such form as the Government may, from time to time, prescribe, and the Commissioner shall review the report and submit a copy of his review for the information of the Government.

Powers of Deputy Commissioner over Panchayets.

139. The Deputy Commissioner, or such other officer as may be prescribed, may, by order in writing, require any Panchayet in his district to perform any duty, whether obligatory, discretionary or delegated under this Act, annul any proceedings which he considers to be not in conformity with law and may do all things necessary to secure such performance or conformity: provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to the Commissioner from the order of the Deputy Commissioner.

Deputy Commissioner to have access to books, etc., of Panchayets.

140. (1) The Deputy Commissioner, or such other officer as may be prescribed, shall have access to all books, proceedings and records of every Panchayet within their respective jurisdictions.

(2) Any officer authorised by the Deputy Commissioner in this behalf, shall have power to inspect and examine the books, proceedings and records of a Panchayet or Panchayets in the district.

(Chapter XI—Control)

Deputy Commissioner may inspect, call for reports, etc., from Panchayets.

141. The Deputy Commissioner, or such other officer as may be prescribed, shall, in respect of Panchayets within his jurisdiction, have power at all times—

(*a*) to enter on and inspect or cause to be entered on and inspected, any immoveable property occupied by, or any work in progress under the orders of, or any institution controlled by a Panchayet ;

(*b*) to call for and inspect, for the purposes of the Act, any document which may be in the possession or under the control of a Panchayet; and

(*c*) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit.

Powers of Deputy Commissioner to provide for performance of obligatory functions of Panchayets.

142. (1) When the Deputy Commissioner, or any officer prescribed in this behalf, is informed on complaint made or otherwise, that a Panchayet in the district has made default in performing any duty under section 23 and is satisfied after due enquiry that the Panchayet has been guilty of the alleged default, he may, by an order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Deputy Commissioner or such other officer may appoint some person to perform it, and may direct that the expense of performing it with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Panchayet.

(3) If the expense and the remuneration are not so paid, the Deputy Commissioner or such other officer, may make an order directing the person having the custody of the Panchayet Fund to pay the expense and remuneration and such person shall be bound to comply with such order.

(4) A copy of the order passed under sub-sections (1), (2) and (3) shall, if passed by an officer other than the Deputy Commissioner, be sent to the Deputy Commissioner as soon as it is passed and if passed by the Deputy Commissioner to the Commissioner as soon as it is passed, and it shall be within the discretion of the Deputy Commissioner or the Commissioner, as the case may be, to rescind or to modify the order.

Power of Deputy Commissioner to suspend execution of or prohibit certain acts by Panchayet.

143. (1) If, in the opinion of the Deputy Commissioner or such other officer as may be prescribed in this behalf, the execution of any order or resolution of a Panchayet in the district or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof.

(2) When an officer other than the Deputy Commissioner makes any order under this section, he shall forthwith forward a copy of the order to the Deputy Commissioner together with a statement of reasons for making it and when the Deputy Commissioner makes any such order, he shall forward a copy of the order and the statement to the Commissioner and it shall be in the discretion of the Deputy Commissioner or the Commissioner, as the case may be, to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit.

Powers of Deputy Commissioner over Panchayets in cases of emergency.

144. (1) In cases of emergency, the Deputy Commissioner or any officer prescribed in this behalf, may provide for the execution of any work, or the doing of any act, which a Panchayet in the district is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public. He shall forthwith communicate his order with the reasons therefor to the Panchayet and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or to do it, shall be forthwith paid by the panchayet.

(2) If the expense and the remuneration are not so paid, the Deputy Commissioner or such other officer may make an order directing the person having the custody of the Panchayet Fund to pay the expense and remuneration.

(3) Where the Deputy Commissioner uses powers given under this section, he shall report forthwith to the Commissioner every such case and where any officer other than the Deputy Commissioner does so, he shall forthwith report to the Deputy Commissioner.

Supersession of Panchayets.

145. (1) If a Panchayet is not competent to perform, or persistently makes default in the performance of the duties

imposed on it by or under this Act or by or under any law, or exceeds or abuses its powers, the Deputy Commissioner of the District may, after giving such Panchayet an opportunity of being heard, declare, by an order published in the *Mysore Gazette*, with the reasons for making it, the Panchayet to be incompetent or in default or to have exceeded or abused its powers as the case may be, and supersede it for a period to be specified in the order.

(2) When a Panchayet is so superseded, the following consequences shall ensue:—

(*a*) all members of the Panchayet shall, as from the date of the order, vacate their office as such members;

(*b*) all powers and duties of the Panchayet may, during the period of supersession, be exercised and performed by such person or persons as the Deputy Commissioner, from time to time, appoints in that behalf;

(*c*) where a Panchayet is superseded, all property vested in it shall, during the period of supersession, vest in the Deputy Commissioner subject to all rights over, and all debts, liabilities and obligations, if any, affecting that property.

(3) On the expiration of the period of supersession specified in the order, the Panchayet shall be re-established by election and the persons who vacated their office under clause (*a*) shall not be deemed disqualified for election.

(4) If, after enquiry made, the Deputy Commissioner so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Deputy Commissioner for the re-establishment of the Panchayet:

Provided that such supersession shall not continue for more than one year at a time.

(5) An appeal shall lie to the Commissioner from an order of the Deputy Commissioner under this section.

(6) A further appeal shall lie to the Government from an order of the Commissioner passed under this section.

Appeals from orders of or relating to Panchayets.

146. (1) Save as otherwise provided for in this Act, an appeal shall lie from an order of the Panchayet to the Deputy Commissioner of the district or to such other officer as may be prescribed and shall be preferred within thirty days of the date of publication or communication of the order. The decision of the Deputy Commissioner shall be final.

(2) Appeals to the Commissioner or the Government when expressly allowed under this Act, in respect of Panchayets shall be preferred within ninety days of the date of publication or communication of the order from which the appeal is made.

Disputes between Panchayets.

147. (1) If a dispute arises between two or more Panchayets in the same taluk, the matter shall be referred to the Deputy Commissioner or such other officer as may be prescribed in this behalf for decision.

(2) If a dispute arises between two or more Panchayets which are within the same district but which are in different taluks, the matter shall be referred to the Deputy Commissioner and the decision of the Deputy Commissioner thereon shall be final.

(3) If a dispute arises between two or more Panchayets in different districts, the matter shall be referred to the Commissioner for decision and the decision of the Commissioner thereon shall be final.

Disputes between a municipal council and a Panchayet.

148. (1) If a dispute arises between a municipal council not being a City Municipal Council and a Panchayet within the same district, the matter shall be referred to the Deputy Commissioner; and the decision of the Deputy Commissioner thereon, shall be final.

(2) If a dispute arises between a City Municipal Council and a Panchayet or between a Municipal Council and a Panchayet in different districts (or between a District Board and a Panchayet) the matter shall be referred to the Government; and the decision of the Government thereon shall be final.

Panchayets within town or sanitary board areas.

149. Where a Panchayet has been established under this Act, for a village or villages under the control of a Town or Sanitary Board, constituted under any law for the time being in force, the powers that may be exercised by a

Deputy Commissioner shall be exercised by such other person or persons as may be prescribed :

Provided that nothing in this Act shall affect the powers that are exercised by a Town or Sanitary Board in respect of the control of epidemics in the area under its control.

Power of Government to call for records in the case of appeals decided by Commissioner.

150. (1) When any matter has been decided by the Commissioner on appeal under sub-section (2) of section 43, section 139 or sub-section (5) of section 145, or sub-section (4) of section 164 or on reference under sub-section (3) of section 147, the Government may, for the purpose of satisfying themselves as to the correctness, legality or propriety of his order, call for the connected records and may, in doing so, direct that pending the examination of the records, such order be held in abeyance.

(2) On examining the records, the Government may reverse or modify the order of the Commissioner as they deem fit.

Power of Government to amend proceedings of District Boards.

151. The Government may, by order in writing, amend any proceedings or resolutions of a District Board which they consider to be not in conformity with the provisions of this Act and the rules or regulations in force thereunder, and may do all things necessary to secure such conformity.

Inspection of offices of District Boards.

152. Subject to such rules as the Government may from time to time frame in this behalf, the Commissioner shall have power—

(*a*) to inspect the office of any District Board ;

(*b*) to call for records of any District Board,

either on his own motion or on the application of an aggrieved party and to submit the same with his opinion to the Government for such orders as they deem fit to pass, if he is satisfied that the order or proceeding of the District Board or its executive is contrary to law.

Commissioner's power of supervision.

153. (1) The Commissioner shall have power to supervise the proceedings of the District Boards and of the several committees of the District Boards and in the exercise of that power, may (among other things),—

(*a*) enter on and inspect or cause to be entered on and inspected, any immovable property occupied by

the District Board or a committee or any work in progress under its direction ; and

(*b*) call for and inspect for the purposes of this Act any document which may be in the possession or under the control of a District Board or a committee ; and

(*c*) require the District Board or a committee to furnish such statements, accounts and reports as he thinks fit.

(2) Where a Joint Committee is appointed by the District Boards of two or more districts, the Commissioner may exercise a like power in respect of the proceedings of that committee.

Powers to suspend execution of orders, etc.

154. (1) If, in the opinion of the Commissioner, the execution of any order or resolution of a District Board or a committee, or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, is likely to cause injury or annoyance to the public or to any class or body of persons or to lead to a breach of the peace or is unlawful, he may, by order in writing, suspend or prohibit the execution thereof.

(2) When the Commissioner makes any order under this section, he shall forthwith forward to the Government a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the Government, after affording the Board reasonable opportunities for stating its case, to rescind the order, or to direct that it continues in force with or without modification, permanently or for such period as they think fit.

Extraordinary powers of Deputy Commissioner in cases of emergency.

155. (1) In cases of emergency, the Deputy Commissioner after intimation to a District Board to execute any work or do any act which a District Board is empowered to execute or do under sub-section (1) of section 86 and the immediate execution or doing of which is in his opinion necessary for the safety of the public, within a time to be specified by him and on failure of the District Board to execute such work or do such act, may provide for the execution of such work or the doing of such act and direct that the expense of executing the work or doing

the act with a reasonable remuneration to the person appointed to execute, or to do it, shall be paid by the District Board.

(2) If the expense and the remuneration are not so paid, the Deputy Commissioner may make an order directing the person having the custody of the District Fund to pay the expense and remuneration and such person shall be bound to comply with such order.

(3) The provisions of sub-section (2) of section 154 shall apply, so far as may be, to any order made under this section in the same manner and to the same extent as if it were an order of the Commissioner.

Power to provide for performance of duties in default of District Board.

156. (1) When the Government is informed on complaint made or otherwise, that a District Board has made default in performing any duty imposed on it by or under this Act or by or under any enactment for the time being in force, the Government, if satisfied after due enquiry, that the District Board has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be paid by the District Board.

(3) If the expense and the remuneration are not so paid, the Government may make an order directing the person having the custody of the District Fund to pay the expense and remuneration and such person shall be bound to comply with such order.

Supersession of District Boards.

157. (1) If a District Board is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act, or otherwise by law, or exceeds, or abuses its powers, the Government may, by an order published, with the reasons for making it, in the *Mysore Gazette*, declare the District Board to be incompetent, or in default, or to have exceeded or abused its powers as the case may be, and supersede it for a period to be specified in the order.

Consequences of supersession of District Boards.

(2) When a District Board is so superseded, the following consequences shall ensue :—

(*a*) all members of the District Board shall, as from the date of the order, vacate their office as such members ;

(*b*) all powers and duties of the District Board may, during the period of supersession, be exercised and performed by such person or persons as the Government, from time to time, appoint in that behalf ;

(*c*) all property vested in the District Board shall, during the period of supersession, vest in the Government subject to all rights over and all debts, liabilities and obligations, if any, affecting that property.

(3) On the expiration of the period of supersession specified in the order, the District Board shall be re-established by election, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified for election :

Provided that such supersession shall not continue for more than one year at a time.

Disputes between District Boards.

158. (1) If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more District Boards, or between a District Board and one or more municipal councils, the matter shall be referred to the Government whose decision shall be final.

(2) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1).

Powers of Government, Commissioner and Deputy Commissioner over subordinates.

159. In respect of officers employed by a District Board, the Government and the Commissioner, and in respect of officers employed by a Village Panchayet, the Government, the Commissioner and the Deputy Commissioner concerned shall exercise the same authority and control which they or he exercises over their or his subordinates of corresponding status in the general and revenue administration.

(Chapter XI—Control)

Power under special circumstances to exempt the District Boards from the operation of the Act.

160. (1) If the circumstances of any district or part of a district or any village or part of a village are in the opinion of the Government such that all or any of the provisions of this Act are unsuited thereto, the State Government may, by notification in the *Mysore Gazette*, exempt the district or part of the district or village or part of the village from the operation of these provisions and thereupon these provisions shall not apply to the exempted district, village or part of the district or village until again applied thereto by a subsequent notification of the Government.

Power to make rules in relation to notification under sub-section (1).

(2) While any notification under the former part of sub-section (1) of this section is in force, the Government may make rules to provide for any matter dealt with by the provisions of this Act to which the notification applies. Such rules, when published in the *Mysore Gazette*, shall have the force of law.

Penalty for member, officer or servant of a District Board having an interest in any contract, etc., with that Board.

161. If any member of a District Board or any officer or servant maintained by or employed under a District Board has directly or indirectly any share or interest in any work done by order of the Board of which he is a member or by which he is maintained or under which he is employed or in any contract with or under such Board, he shall be liable on conviction, before a magistrate, to a fine not exceeding five hundred rupees:

Provided that no person shall be convicted under this section by reason only of such person—

(*a*) having a share in any Joint-Stock Company or a share or interest in any literary association registered under the Societies Registration Act, 1904, or in any society registered under the Mysore Co-operative Societies Act, 1948, which shall contract with or be employed by or on behalf of the District Board, or

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the District Board may be inserted, or

(*c*) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the District Board.

Restrictions with respect to actions against District Board.

162. (1) No action shall be brought against any District Board, or any of its officers, or any person acting under its direction, for anything done or purporting to be done under this Act, until the expiration of two months next after notice in writing, shall have been delivered or left at the office of the Board or at the place of abode of such person; such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed and the name and the place of abode of the intending plaintiff.

And every such action shall, unless it is an action for the recovery of immoveable property or for a declaration of title thereto, be commenced within eight months next after the accrual of the cause of action and not afterwards.

(2) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

(3) (*a*) No civil court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Act, or for the recovery of any sum of money collected under the authority of this Act, or for damages on account of any assessment or collection of money under the said authority, if the provisions of this Act have been in substance and effect complied with.

(*b*) No suit or other legal proceedings shall lie against any member, officer, servant or agent of a District Board acting under its direction, in respect of anything done lawfully and in good faith under this Act or any rule made thereunder.

Institution of legal proceedings against Panchayet member, officer, servant or agent and bar of certain suits.

163. (1) (*a*) No suit shall be brought against any Panchayet or any member, officer, servant, or agent thereof acting under its direction, in respect of any act purporting to be done in its or his official capacity, until the expiration of two months next after notice in writing has been, in the case of a Panchayet, left or delivered at its office and in the case of a member, officer or servant, delivered to him or left at his office or place of residence. The notice shall state the cause of action, the name and place of residence of the intending plaintiff, and the relief which he claims. The plaint shall contain a statement that such notice has been so delivered or left.

(*b*) Every such action shall be dismissed unless it is instituted within eight months after the accrual of the alleged cause of action.

(*c*) When the suit is against a member, officer, servant or agent of a Panchayet, the Deputy Commissioner shall determine whether the defence of the suit should be undertaken by the Panchayet and paid for out of the Panchayet Fund.

(2) (*a*) No civil court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Act, or for the recovery of any sum of money collected under the authority of this Act, or for damages on account of any assessment or collection of money under the said authority, if the provisions of this Act have been in substance and effect complied with.

(*b*) No suit or other legal proceedings shall lie against any member, officer, servant or agent of a Panchayet acting under its direction, in respect of anything done lawfully and in good faith under this Act or any rule made thereunder.

(3) Nothing in this section shall be deemed to apply to any suit under section 54 of the Specific Relief Act.

Deputy Commissioner's right to requisition records, etc.

164. (1) Every person in possession of moneys, accounts, records or other property appertaining to a Panchayet shall, on the requisition in writing of the Deputy Commissioner for this purpose, forthwith hand over such moneys or deliver up such accounts, records or other property to the Chairman of the Panchayet or other person authorised in the requisition to receive the same.

(2) The Deputy Commissioner of the District may also take steps to recover any money due by such person in the same manner and subject to the same rules as are laid down in the Mysore Land Revenue Code, 1888, for the recovery of arrears of land revenue from defaulters; and for the purpose of recovering the accounts, records or other property appertaining to the Panchayet, may issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a magistrate under the provisions of Chapter VII of the Code of Criminal Procedure.

(3) Every person knowing where any moneys, accounts, records or other property appertaining to a Panchayet are concealed, shall be bound to give information of the same to the Deputy Commissioner.

(4) An appeal shall lie to the Commissioner from the order of the Deputy Commissioner under this section.

Acquisition of land.

165. Where any land is required for the purpose of this Act, the Government may, at the request of a District Board or Panchayet, and on the recommendation of the Deputy Commissioner, proceed to acquire it under the provisions of the Mysore Land Acquisition Act, 1894; and on payment by the District Board or Panchayet of the compensation awarded under that Act, and the charges incurred by the Government in connection with the proceedings, the land shall vest in the District Board or Panchayet, as the case may be.

Obstructions and encroachments upon public streets and open spaces.

166. (1) Whoever shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step, or any projecting structure or thing, or other encroachment or obstruction, in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, vested in a District Board, or in, or over, or upon, any open drain, gutter, sewer or acqueduct in such street, shall, on conviction by a magistrate, be punished with fine which may extend to fifty rupees.

(2) The District Board shall have power to remove any such obstruction or encroachment, and shall have the like power to remove unauthorised obstruction or encroachment of the like nature in any open space vested in or under the control of the District Board, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the manner provided in Chapter X.

(3) Nothing contained in this section shall prevent the District Board allowing any temporary occupation of, or erections in, any public street on occasions of festivals and ceremonies, and in such manner, as not to inconvenience the public or any individual.

(4) Nothing contained in this section shall apply to any projection duly authorised by the District Board or in any case where permission has been given under sub-section (3) of this section.

CHAPTER XII.

MISCELLANEOUS.

Application of term "public servant" to members of Panchayets and District Boards and their officers and servants.

167. Every member of a Panchayet or District Board and every officer and servant, maintained by or employed under a Panchayet or District Board, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Punishment for offences under this Act and powers to compound.

168. (1) Whoever, in any area within the jurisdiction of a Panchayet—

(*a*) erects, alters, adds to or reconstructs a building without the written permission required by section 29 or in contravention of any of the conditions imposed by it ;

(*b*) uses any place for an offensive or dangerous trade without a licence required by section 31 or contrary to the conditions imposed therein ; or

(*c*) disobeys an order issued under sub-section (3) of section 34 ; or

(*d*) commits any other offence under this Act or such rules thereunder as are notified by the Government as being punishable under this section ;

shall, on conviction before a magistrate, be punished with fine which may extend to fifty rupees, and in the case of a continuing offence with a further fine which may extend to five rupees for every day after conviction during which he continues so to offend.

(2) A Panchayet may—

(*a*) accept by way of compensation a sum of money not exceeding fifty rupees from any person who, in the opinion of the Panchayet, has committed any of the aforesaid offences, and on such compromise, no proceeding shall be taken against such person in respect of such offence ;

(*b*) compound for a similar sum any of the aforesaid offences or any offences under this Act, which may, by rules made by the Government, be declared compoundable, or withdraw from the prosecution instituted under this Act or any rule thereunder.

(3) All fines imposed by a magistrate under this section or the rules or bye-laws in respect of Panchayets made under this Act shall be recovered and credited to the Panchayet Fund.

Panchayet may prosecute.

169. A Panchayet may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any person offending against the provisions of this Act, or of any rule or bye-law made thereunder relating to Panchayets and may order the expenses of such prosecutions or other proceedings to be paid out of the Panchayet Fund:

Provided that no prosecution for an offence under this Act shall be instituted more than six months after the commission of such offence.

Form of notices.

170. All notices given or issued under the provisions of this Act shall be in writing.

Method of serving document.

171. (1) When any notice or other document is required by this Act or by any rule or order made under it to be served on, or sent to, any person, the service or sending thereof, may be effected—

(*a*) by giving or tendering the said document to such person; or

(*b*) if such person is not found, by leaving such document at his last known place of residence or business, or by giving or tendering the same to some adult member or servant of his family; or

(*c*) if such person does not reside in the village and his address elsewhere is known to the Secretary of a Panchayet or the Chief Executive Officer of a District Board, by sending the same to him by post registered; or

(*d*) if none of the means aforesaid be available, by fixing the same in some conspicuous part of his last place of residence or business.

(2) In the case of joint-owners and occupiers, it shall be sufficient to serve the notice or other document on, or send it to any one of such owners or occupiers.

(3) Whenever in any bill, notice or other document served or sent under this Act or the rules thereunder, a period is fixed within which any tax or other sum is to be paid or any work executed, or anything provided, such period shall, in the absence of any distinct provision to the contrary in this Act or the rules thereunder, be calculated from the date of such service or sending.

Powers to make rules.

172. (1) The Government may make rules or orders to carry out all or any of the purposes of this Act and prescribe forms for any proceeding for which they consider that a form should be provided.

(2) In particular and without prejudice to the generality of the foregoing power, they shall have power to make rules or orders:—

A. For Panchayets—

(*a*) with reference to all matters expressly required or allowed by this Act to be prescribed;

(*b*) for giving intimation of vacancies in the offices of Chairman and members of a Panchayet for fixing time within which elections shall be held for filling such vacancies, and generally for regulating all elections under this Act and determining the authority who shall decide disputes relating to such elections;

(*c*) regulating the establishment of the Panchayets and their powers to acquire, hold and transfer property and to enter into contracts;
and regarding

(*d*) the powers that may be exercised by the Chairman;

(*e*) the grant of leave to the Chairman and Secretary and for the conduct of business during their absence;

(*f*) the levy of taxes, cesses, rates, fees or other dues under this Act, their assessment and recovery, including the procedure to be adopted during distraint, sale, etc.;

(*g*) the accounts to be maintained by Panchayets, the audit and publication of such accounts, and the arrangements to be made for the lodging and custody of the Village Fund;

(*h*) the returns, statements and reports to be submitted by Panchayets;

(*i*) the preparation and sanction of the estimates of receipts and expenditure of Panchayets;

(*j*) the manner in which notifications and orders under this Act shall be published;

(*k*) instructions for the guidance of the controlling authorities in exercising the powers delegated to them;

(*l*) the powers and functions, qualifications, manner of recruitment and training of Secretaries of Panchayets;

(*m*) the class of magistrates by whom offences under this Act or the rules thereunder shall be tried;

(*n*) the settlement of differences or disputes between any two Panchayets or between a Panchayet or any other local authority in regard to any matters arising for decision under this Act.

B. For District Boards—

(*a*) with reference to all matters expressly required or allowed by this Act to be prescribed;

(*b*) with reference to all matters relating to elections; and regarding

(*c*) the remuneration and allowances, if any, of members, Presidents and Vice-Presidents, the conditions under which and the rates at which payment of travelling expenses shall be made;

(*d*) the submission of resolutions on questions connected with the administration of the district;

(*e*) the intermediate offices, if any, through which correspondence between District Boards and the Government or Government officers shall pass;

(*f*) the conditions on which property may be acquired or transferred by District Boards;

(*g*) the mode of payment from the District Fund and the authority under which the District Fund shall be expended;

(*h*) the conditions on which grants-in-aid shall be paid from the District Fund;

(*i*) the raising of loans by District Boards and the grant of loans for the encouragement of local arts and industries;

(*j*) the levy of tolls, fees and cesses, remissions and exemptions to be granted and the writing off of irrecoverable arrears;

(*k*) the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of District Boards and the power of the District Boards or the Government officers to accord technical or administrative sanction to estimates;

(*l*) the conditions under which rate-payers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom;

(*m*) the estimates of receipts and expenditure, returns, statements and reports to be submitted by District Boards;

(*n*) the mode in which the officers of the Government shall advise and assist District Boards in carrying out the purposes of this Act;

(*o*) the recruitment of officers and servants and their qualifications and with regard to control, transfer, punishment or dismissal of officers and servants of District Boards and with regard to the pay, leave, pension and other privileges of such employees;

(*p*) the guidance generally of District Boards, Committees, Joint Committees, and Government officers in all matters connected with the administration of this Act and not herein specifically provided for; and

(*q*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date, as may be fixed by the magistrate.

(3) All rules made by the Government under this Act shall be published in the *Mysore Gazette* both in English and in Kannada.

Power of Panchayet to make bye-laws.

173. (1) Subject to the provisions of this Act and any rules made in this behalf by the Government, a Panchayet may make bye-laws in respect of the following matters:—

(*a*) regarding the time, place and the conduct of meetings of Panchayets;

(*b*) regarding the appointment of the officers and servants of the Panchayets and their salaries, allowances, pensions, gratuities, transfers and punishments (except Secretary);

(*c*) regulating the conservancy of villages;

(*d*) providing for the protection and periodical examination of wells and water-supply in villages;

(*e*) defining and prohibiting public nuisances in villages;

(*f*) improving the sanitation of villages in other similar respects; and

(*g*) regulating the grant of permission to erect buildings and the conditions and terms that may be imposed;

(*h*) providing for the management of minor muzrai institutions;

(*i*) providing for the levy of profession tax and the rate or rates therefor;

(*j*) providing for management of shandies, fairs and other forms of entertainment;

(*k*) regulating the use of water for drinking purposes and sources thereof;

(*l*) regulating the discharge of water from drains or from premises;

(*m*) preventing damage to public streets and Panchayet property;

(*n*) regulating drainage generally;

(*o*) regulating the use of public streets or other public places by shop-keepers; and

(*p*) regulating the use of tanks, ponds, gomal, play-grounds, bathing and other public places.

(2) Any bye-laws made by a Panchayet shall be subject to the previous approval of the Commissioner and shall take effect on publication in such manner as may be approved by the Government and any person who contravenes any bye-laws made by a Panchayet shall, on conviction before a magistrate, be punished with fine not exceeding twenty rupees for each offence and in case of a continuing offence with a further fine which may extend to two rupees for every day on which such contravention is continued after the date of conviction, or any subsequent date as may be fixed by the magistrate.

Power of District Board to make regulations.

174. (1) A District Board may, from time to time, and subject to the provisions of this Act and to such rules as may be prescribed by the Government in this behalf and with the previous sanction of the Government, make regulations,—

(*a*) for the general or special regulation, inspection, and control of *musafirkhanas*, travellers' bungalows, rest houses, cart-stands, bus-stands, markets, slaughter-houses, hotels, bakeries, sweetmeat shops, all other places used for the sale of articles intended for human food or drink, all places used for animals which are for sale or hire or the produce of which is sold and all places used for the purposes specified in Schedule III and for regulating the conduct of business in any of the places aforesaid so as to secure cleanliness therein and the wholesomeness of the articles prepared, kept or sold or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom;

(*b*) (i) for regulating all matters connected with sanitation;

(ii) for empowering the President or any person authorised by the Board to enter upon and to inspect any building or land and to require that it shall be kept in a sanitary condition;

(*c*) (i) for regulating the use of and the prevention of nuisances in regard to public water-supply, bathing and washing places, streams, channels, tanks and wells;

(ii) for requiring private sources of water-supply used by the public or any section of the public to be kept in good repair, improved or protected from pollution and for payment from the District Fund of a portion or the whole of the expenses incurred for the purposes;

(iii) for setting apart, with the consent of the owner in the case of private sources of water-supply, and of the Government in the case of those under the control of the Government, for a specified purpose, springs, tanks, wells, water sources and other places, and prohibiting their use for any other purpose or purposes;

(*d*) (i) for regulating prevention of the nuisances affecting the health, safety or convenience of the public;

(ii) for requiring that any pool, ditch, tank, pond, well, hole, or any waste or stagnant water, any channel or receptacle or foul water or other offensive or injurious matter which is likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood be cleansed, filled up, drained off or removed or proper measures be taken to abate or remove the nuisance;

(*e*) (i) for regulating the prevention and spread of dangerous diseases;

(ii) for prohibiting the use of any source of water supply, whether private or public, during epidemics;

(iii) providing for the inspection of persons, travelling by railway or otherwise and the segregation in a hospital or any other place set apart for the purpose, of persons suspected of being infected with any epidemic disease, or for such other measures as may be deemed necessary to prevent the outbreak of such disease or the spread thereof;

(iv) for empowering the President or any person duly appointed by the Board to enter into any building

or premises in which any dangerous infectious disease is reported or suspected to exist, to require the owner or occupier of such building or premises to cleanse or disinfect the same or, where immediate action is necessary, to have such building or premises cleansed or disinfected and to recover the whole or any part of the expenses so incurred from such owner or occupier or to remit the same in deserving cases ;

(v) for requiring that articles of clothing or bedding or other articles exposed to infection from dangerous infectious diseases be washed or disinfected at places notified by the District Board ; and for destroying such articles as are likely to retain infection paying compensation for articles so destroyed ;

(*f*) for regulating the use of public roads and the traffic thereon ; for the temporary occupation or use of public roads and land vested in the Board ; and for securing cleanliness, safety and order in respect of the same;

(*g*) for defining the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which any licence or permission under this Act may be granted, refused, suspended or withdrawn and fixing the fees payable in respect of such permission and the rents, fees and other charges to be levied for the use of any of the places specified in clause (*a*) or other property belonging to the District Board ;

(*h*) for providing for—

(i) the establishment of public ferries and their management ;

(ii) the issue of permission for plying ferry boats, the conditions on or subject to which such permission may be granted and the fees payable in respect of such permission ;

(iii) the rates of fees that may be levied on passengers' vehicles, animals, goods or the loads that may be carried in any public ferry boat ;

(iv) the safe, speedy, and convenient carriage and landing of passengers and property ;

(v) the maintenance of ferry boats in good order and the employment of competent men for working them ;

(vi) the inspection of the ferries and the ferry boats ; and

(vii) otherwise for the due discharge of their duty by ferrymen and other persons employed at a public ferry ; and

(viii) with respect to the conduct of business of District Boards and committees and to the interpellation of the President by the members and to the moving of resolutions at meetings of District Boards ;

(ix) the delegation of powers of the President, the Vice-President or other officers or members or committees ;

(2) Any person who contravenes any regulation made under this section shall, on conviction before a magistrate, be punished with fine not exceeding fifty rupees for each offence and in case of a continuing offence, with a further fine which may extend to ten rupees for every day on which such contravention is continued after the date of conviction, or any subsequent date as may be fixed by the magistrate.

Temporary and transitional provisions.

[1][**175.** [2](1) Notwithstanding anything contained in this Act,

(i) it shall be lawful for the Government,

(*a*) to specify by notification in the *Mysore Gazette*, the date on which the term of office of the members of the bodies functioning as the District Boards of the Districts, immediately before the commencement of this Act, shall expire ;

(*b*) to appoint with effect from the date specified under sub-clause (*a*), a Special Officer, by notification in the *Mysore Gazette*, in respect of each District Board, to exercise the powers, discharge the duties and perform the functions

1. Substituted by Act XXVIII of 1952.
2. Sub-section (1) substituted by Act 1 of 1954.

of such District Board and its President, until the constitution of such District Board in accordance with the provisions of this Act;

(ii) the Government may, if it considers necessary, constitute a committee, consisting of such persons as the Government may nominate, to advise the Special Officer appointed under sub-clause (*b*) of clause (i) in the discharge of his duties.

(2) Notwithstanding anything contained in this Act,—

(*a*) until the constitution of a Village Panchayet in accordance with the provisions of this Act the body functioning as the Village Panchayet in that village immediately before the commencement of this Act shall exercise the powers and perform the duties conferred by the provisions of this Act on a Village Panchayet;

(*b*) casual vacancies in the seats of the members of the Village Panchayet functioning under clause (*a*) shall be filled and all matters in connection with the filling up of such vacancies shall be regulated in accordance with the rules governing the filling of such vacancies and regulating such matters in force immediately before the commencement of this Act subject to such modifications as the Government may by notification make in such rules;

(*c*) the term of office of the members referred to in clause (*a*) shall, subject to the provisions of section 11, extend to or expire on (as the case may be) such date as the Government may by notification in the *Mysore Gazette* appoint, and the Government shall cause elections of members to be held so that the newly elected members may come into office on the date fixed for the retirement of old members.]

Saving of rules and bye-laws.

176. (1) Any rules made or orders passed by the Government and orders made by a Village Panchayet which were in force immediately before the commencement of this Act, shall, subject to the provisions of this Act, continue in force, as if made or passed under this Act.

(2) Any rules made or orders passed by the Government and any bye-laws or orders made by a District Board which were in force immediately before the commencement of this Act, shall, subject to the provisions of this Act, continue in force, as if they were rules made, or orders passed by the Government or regulations made by a District Board under this Act.

Repeal of Mysore Acts II and III of 1926.

177. The Mysore Village Panchayet Act, 1926, and the Mysore District Boards Act, 1926, are hereby repealed :

Provided that—

(*a*) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the aforesaid Acts or rules or bye-laws or orders thereunder ;

(*b*) any appointment, notification, notice, order, scheme, licence, permission, rule, bye-law, form, tax, fee, cess or rate, made, issued, given or imposed, contracts entered into and suits and other proceedings instituted under the aforesaid Acts or rules, bye-laws or orders thereunder, shall, so far as may be, be deemed to have been made, issued, given, imposed, entered into and instituted under this Act;

(*c*) the assets and liabilities of the aforesaid District Boards and Panchayets in such district, village or group of villages shall, subject to such conditions as may be imposed by the Government, devolve on the District Board or Panchayet constituted or continued under this Act ; provided that any funds set apart for a specific purpose by the aforesaid Boards or Panchayets, shall not be diverted for any other purpose, without the consent of the District Board or Panchayet thus constituted or continued.

(*Schedule I*)

SCHEDULE I.

MAXIMUM RATES OF TAX LEVIABLE ON HOUSES, SHOPS, PLACES OF TRADE OR BUSINESS, VACANT SITES AND *Hittals* AND CARTS.

(*See section 39.*)

A. House Tax.

	Rs.	Rs.	Per annum. Rs. a. p.
Class A—Buildings of the value not exceeding ...	25	...	0 4 0
Class B—Buildings of the value exceeding	25	But not exceeding 50	0 8 0
Class C Do ...	50	200	1 0 0
Class D Do ...	200	400	2 0 0
Class E Do ...	400	600	3 0 0
Class F Do ...	600	800	4 0 0
Class G Do ...	800	1,000	5 0 0
Class H Do ...	1,000	1,500	7 8 0
Class I Do ...	1,500	...	10 0 0

In respect of buildings, the value of which exceeds the above amount, the tax may be levied at the rate of four annas for every hundred rupees but not exceeding twenty-five rupees in any case.

B. Shop Tax.

			Rs. a. p.	
1. Wholesale shop (Mandi)	1st	Class...	25 0 0	each
	2nd	,, ...	20 0 0	,,
	3rd	,, ...	15 0 0	,,
	4th	,, ...	10 0 0	,,
2. Other shops ...	1st	,, ...	25 0 0	,,
	2nd	,, ...	10 0 0	,,
	3rd	,, ...	6 0 0	,,
	4th	,, ...	4 0 0	,,
	5th	,, ...	2 0 0	,,
	6th	,, ...	1 0 0	,,

C. Tax on Places of Trade or Business.

			Rs. a. p.	
Other shops ...	1st	Class ...	25 0 0	each
	2nd	,, ...	20 0 0	,,
	3rd	,, ...	15 0 0	,,
	4th	,, ...	10 0 0	,,
	5th	,, ...	6 0 0	,,
	6th	,, ...	4 0 0	,,
	7th	,, ...	2 0 0	,,
...	8th	,, ...	1 0 0	,,

D. Cart Tax.

	Rs.	a.	p.	
Single bullock-carts, *Waddara bandis*	1	0	0	each per annum
Double bullock-carts ...	2	0	0	„
Jutkas ...	1	0	0	„

E. Tax on vacant sites and hittals.

1.	Village site land occupied by house and back-yard attached thereto, when the area occupied exceeds ten guntas in the Maidan parts and 20 guntas in the Malnad.	For the area in excess of 10 guntas in the Maidan parts and 20 guntas in the Malnad.
2.	Other occupied land not being a Revenue Survey number left vacant within the village site, whether it is a building site or land ordinarily used for purposes of agriculture.	For the whole area.

Annas four per one hundred square yards.

SCHEDULE II.

PROFESSIONS IN RESPECT OF WHICH PROFESSION TAX MAY BE LEVIED WITH THE MAXIMUM TAX LEVIABLE.

(*See section 41.*)

CLASS I.

Every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to one thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to one thousand rupees a month or upwards :—

		Maximum per year. Rs.
1.	Owners of cotton and ginning factories ...	25
2.	Owners of pressing factories ...	
3.	Owners of flour mills, rice hullers, oil mills and of buses and lorries	
4.	Manufacturers of aerated or mineral waters ...	
5.	Owners of hand-loom factories and factories driven by mechanical or electrical power ...	
6.	Liquor shop-keepers, toddy shop-keepers ...	
7.	Licensees of toddy booths, bhang, ganja, opium and other intoxicating drugs ...	
8.	Hotel-keepers and boardings, eating, refreshment, house-keepers, licensees of mutton shops ...	
9.	Hawkers and itinerant vendors ...	
10.	Carpenters, blacksmiths, tailors, barbers, potters and contractors	
11.	Practising physicians and hakeems ...	

(Schedule II—Schedule III)

CLASS II.

	Rs.
Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to Rs. 500 a month or upwards ..	20

CLASS III.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to Rs. 300 a month or upwards	10

CLASS IV.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to two hundred rupees a month or upwards ...	6

CLASS V.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to one hundred rupees a month or upwards ...	3

CLASS VI.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to rupees fifty a month or upwards ...	2

CLASS VII.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to rupees thirty a month or upwards ...	1

SCHEDULE III.

(See section 42.)

MAXIMUM RATES OF TAXES ON SHANDIES, FAIRS AND FESTIVAL

PART I.

FEES ON CATTLE.

	Rs. a. p.
(1) On every cattle-head brought for the cattle show (except in the case of young calves) ...	0 8 0
(2) On every head of draught bullocks passing into the precincts of the cattle show ...	0 8 0

(*Schedule III*)

PART II.

TAX ON SHOP SITES.

The area around the temple in respect of which the fair or festival is held may be divided into suitable blocks, based on the proximity thereof to the institution and the fee levied on the area occupied by the shop, subject to a maximum of Rs. 8 per square yard and a minimum of Rs. 2 per square yard.

In respect of space taken in terms of yards for keeping stalls the following rates are leviable.—

		Rs.	a.	p.
1.	For sale of flowers, betel leaves and plantains brought in head-loads in baskets ...	0	8	0
2.	Per cart-load of cocoanuts ...	0	8	0
3.	For offerings of silver pieces to the Deity by the devotees with the usual concessions in respect of six families—For every place of the offering	8	0	0
4.	In respect of every stall opened on the pials of houses in the bazaar street ...	16	0	0
5.	For every hotel run in houses ...	16	0	0
6.	In cases where "Bhakshya" dishes are sold in hotels for every such hotels ...	20	0	0
7.	In respect of every show in the case of dramas	20	0	0
8.	Do do cinemas...	20	0	0
9.	Do do circuses...	20	0	0
10.	For every Merry-go-round ...	16	0	0
11.	For every Mill-stone Stall ...	8	0	0
12.	For every shop selling camphor, flowers, fruits, etc., near temples	2	0	0
13.	For every Mutton or Meat-shop ...	20	0	0
14.	In respect of Picture Shows through Magnifying glasses—per every premises for every day	16	0	0
15.	For Arrack and Toddy shops—per day ...	12	0	0
16.	For every Pottery shop	2	0	0
17.	For sale in head-loads (except in the case of sale of fuel and grass)	1	0	0
18.	For sale on push-carts—for every cart ...	2	0	0
19.	From every Hawker in the streets ...	2	0	0

(*Schedule III*)

PART III.

Statement of taxes chargeable on articles in a market or shandy.

Sl. No.	Description of Shops	Maximum Rates								
		I Class			II Class			III Class		
		Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
1	Pottery stall ...		...		0	8	0	0	4	0
2	Sweetmeat, Coffee, Cakes, etc., Restaurant ...	1	0	0	0	8	0	0	4	0
3	Cloth stall (stitched and unstitched) bed sheets, blankets, etc., stall ...	1	0	0	0	8	0	0	4	0
4	Groundnut stall ...		...		0	4	0	0	2	0
5	Rice, Dhall, Ragi, etc., Bran stall	1	0	0	0	8	0	0	4	0
6	Indigenous Drugs stall ...		...			...		0	2	0
7	Vegetable stall per basket (worth 8 annas) ...		...			...		0	2	0
8	Vegetable stall per basket (less than 8 annas) ...		...			...		0	1	0
9	Fish stall ...		..			....		0	4	0
10	Bamboo Winnows, Basket, Mat, etc., stall ...		...			...		0	4	0
11	Cutlery Stall (Knife, Scissors, etc.)	1	0	0	0	8	0	0	4	0
12	Fruit stall ...		...		0	4	0	0	2	0
13	Tobacco stall ...	1	0	0	0	8	0	0	4	0
14	Eggs stall ...		...			...		0	4	0
15	Betel leaves stall for every 25 bundles and fraction thereof...		...			...		0	2	0
16	Match box stall ...		...			...		0	2	0
17	Kaddipudi stall ...		...		0	8	0	0	4	0
18	Bakery stall ...		...			...		0	4	0
19	Kerosene oil stall ...		...			...		0	4	0
20	Jaggery stall ...	1	0	0	0	8	0	0	4	0
21	Salt stall ...		...			...		0	4	0
22	Onions, Garlick, etc., stall ...		...			...		0	4	0
23	Cocoanut stall ...	0	8	0	0	4	0	0	2	0
24	Tailor's shop (with Tailoring Machine) ...		...			...		0	8	0
25	Bangles' stall ...		...			...		0	4	0
26	Silk or Yarn stall ...		...			...		0	8	0
27	Arecanut stall ...		...		0	8	0	0	4	0
28	Snuff stall ...		...			...		0	4	0
29	Flower stall ...		...			...		0	2	0

(*Schedule III*)

Sl. No.	Description of Shops	Maximum Rates		
		I Class	II Class	III Class
		Rs. a. p.	Rs. a. p.	Rs. a. p.
30	Stalls other than those described above ...	0 8 0	0 4 0	0 2 0
31	Snacks Stall ...	...	...	0 8 0
32	Meat or Butcher's stall ...	1 0 0	0 8 0	0 4 0
33	Cattle stall per Sheep and Goat ...	...	...	0 2 0
34	Cows, Bulls, Bullocks per head ...	...	...	0 8 0
35	Sheep per head ...	...	...	0 4 0
36	Fowls per head ...	...	...	0 2 0
37	Hides and skins—each ...	...	...	0 2 0
38	Combined stalls containing two or three varieties of stalls of the description noted above ...	1 0 0	0 8 0	0 4 0
39	For every laden cart ...	1 0 0	...	...
40	For every unladen cart ...	0 8 0	...	...
41	Hardware shop ...	1 0 0	0 8 0	0 4 0
42	Vessels shop ...	1 0 0	0 8 0	0 4 0
43	Horse-shoeing ...	...	...	0 8 0
44	Glassware stall ...	...	0 8 0	0 4 0
45	Chunnam stall ...	...	...	0 2 0
46	Kadalepuri stall ...	...	...	0 4 0
47	Grains measuring stall ...	1 0 0	...	...
48	Goldsmith's stall ...	2 0 0	...	...
49	Half-a-ton Lorry on each Lorry ...	1 0 0	...	...
50	Sugarcane stall ...	...	...	0 4 0
51	Sheep and Goat skins ...	...	...	0 2 0

NOTE.—1. Stalls having articles of the value of Rs. 25 and more should be classified as I Class.

2. Stalls having articles of the value of more than Rs. 5 and less than Rs. 25 should be classified as II Class.

3. Stalls having articles of the value of less than Rs. 5 should be classified as III Class.

4. Those who have paid tolls on a laden-cart and have obtained a receipt for the same are exempted from the payment of shop tax.

5. Head-loads of the value of less than four annas are exempted from shandy tax.

6. Articles (1) locally-made or (2) of hand-loom manufacture, bearing the seal of the Mysore Industries and Commerce Department, are exempted from the payment of shandy tax.

(Schedule IV—Schedule V)

SCHEDULE IV.

Composition of District Boards.

(See section 50)

Name of the District Board.		*Number of Members.*
1.	Bangalore	40
2.	Mysore	36
3.	Mandya	25
4.	Hassan	23
5.	Shimoga	20
6.	Chikmagalur	20
7.	Chitaldrug	29
8.	Tumkur	40
9.	Kolar	34

SCHEDULE V.

PURPOSES FOR WHICH PLACES MAY NOT UNDER SECTION 98 BE USED WITHOUT A LICENCE.

(See section 98.)

Aerated waters.—Manufacturing.

Ammunition.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Article made of flour.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Ashes.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or sifting.

Biscuits.—Baking, preparing, keeping or showing for human consumption (for other than domestic use).

Blood.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bones.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bread.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Bricks.—Manufacturing.

Camphor.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or boiling.

Candles.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

(*Schedule V*)

Carpets.—Manufacturing.

Catgut.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Cement.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Charcoal.—Dumping, sifting, selling or storing.

Chemical preparations.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Chillies.—Grinding by machinery.

Chlorate mixture.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cinders.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or sifting.

Clothes.—Dyeing.

Coal.—Dumping, sifting, selling or storing.

Cocoanut fibre.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Combustible material.—Storing.

Combustibles.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Confectionery.—Baking, preparing, keeping, or storing for human consumption (for other than domestic use).

Cotton, cotton refuse.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Dyes.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Explosive.—Storing.

Fat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Firewood.—Selling or storing.

Fireworks.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish oil.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flax.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fleshings.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flour.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fuel.—Using for any industrial purpose.

Fulminate of mercury.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

(*Schedule V*)

Gas.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gold.—Refining.

Gram.—Husking by machinery.

Gun-cotton.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gun-powder.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hair.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Hay.—Selling or storing.

Hemp.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hides.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hoofs.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Horns.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Ice.—Manufacturing.

Jute.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lead.—Melting.

Leather.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lime.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Limeshells.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Manure.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Machinery.—Using for any industrial purpose.

Matches.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Meat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Metals.—Beating, breaking, hammering, casting, etc.

Nitro-compound.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro-glycerine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro-mixture.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

(*Schedule V*)

Offal.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Paddy.—Boiling or husking by machinery.

Petroleum products.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever in quantities not exceeding six gallons, provided that no licence shall be required for storing petroleum in accordance with the provisions of the Mysore Petroleum Act, 1942, or the rules issued or the notifications published under that Act.

Pitch.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Pottery.—Manufacturing by any process whatever.

Resin (including rosin).—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Saltpetre.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Seegekai.—Powdering by machinery.

Shellac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Skins.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Soap.—Manufacturing by any process whatever.

Spirits.—Manufacturing by any process whatever.

Sulphur.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tallow.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tar.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Thatching materials.—Selling or storing.

Tiles.—Manufacturing.

Timber.—Selling or storing.

Tobacco (including snuff, cigars, cigarettes and beedies).—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Turpentine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Wool.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Yarn.—Dyeing.

Provided that no licence shall be required for the storage only of any of the articles mentioned in this Schedule or for boiling paddy when such storage or boiling is for domestic use and limited to such quantities as may from time to time be fixed by the Commissioner.

Gilding or electro-plating.

(Schedule V)

Keeping a shaving or hair-dressing saloon.

Keeping together pigs or twenty or more sheep or goats or ten or more head of cattle.

Manufacturing articles from which offensive or unwholesome smells, fumes, dust or noise arise.

In general, any purpose or the doing in the course of any industrial process anything which, in the opinion of the District Board, is likely to be dangerous to human life, or health or property or is likely to create or cause a nuisance.